

CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139 • (617) 498-9017

OFFICE OF
THE CITY CLERK

August 30, 1984

Mr. Bruce A. Issadore
c/o Hale and Dorr
Counsellors At Law
60 State Street
Boston, MA 02109

Dear Mr. Issadore:

Enclosed you will find a DRAFT A and DRAFT B of the Easement order for 1030 Massachusetts Avenue which was adopted by the City Council at its meeting of August 15, 1984.

Would you kindly review the proposals enclosed and inform this office, after conference with Mr. Russell Higley, City Solicitor, as to which proposal should be recorded at the Registry of Deeds.

Also, in order that this easement can be recorded at the Registry a linen map of the area is required. Please include this linen along with the appropriate order for recording at the Registry to this office so that we can complete this process.

Your kind attention in this matter will be greatly appreciated.

Very truly yours,

Paul E. Healy, City Clerk.

PEH/dl

Encs. Draft A
Draft B

c.c. Russell Higley, City Solicitor.



City of Cambridge

Draft A

Communication #37

IN CITY COUNCIL

August 15, 1984

- WHEREAS: on August 14, 1984, there was submitted to the City Council of the City of Cambridge (the "City Council"); for the granting of permanent easements required in connection with a building to be constructed known as 1030 Massachusetts Avenue; and
- WHEREAS: said request has been approved unanimously by the Planning Board of the City of Cambridge and the City Council; and
- WHEREAS: on August 15, 1984, the City Council ordered that the City Manager of the City of Cambridge (the "City Manager") grant said request; and
- WHEREAS: the City Council and the City Clerk have complied in all respects with the requirements of Massachusetts General Laws, Chapter 40, Section 15 and Ordinance Number 733 of the City of Cambridge, now therefore be it
- ORDERED: that the City of Cambridge, for nominal consideration, the receipt and sufficiency of which is hereby acknowledge, does hereby grant, with quitclaim covenants, to MA Investors, a Massachusetts limited partnership ("MA Investors") and its successors and assigns, perpetual and permanent easements to use the following parcel of land for the purpose of locating portions of buildings, foundations, support systems, or other structures, the rest of which is constructed or to be constructed upon the land known as 1030 Massachusetts Avenue, Cambridge, Massachusetts, as more particularly described in a certain deed from Spaulding and Slye Corporation to MA Investors filed for registration on May 26, 1982 with the Middlesex South Registration District of the Land Court as Document Number 623341 and recorded on May 26, 1982 with Middlesex South Deeds in Book 14619, Page 256 (the "Premises");

PARCEL

That portion of the parcel of land hereinafter described in (the "Parcel") which lies below (but not above) that horizontal plane which has an elevation of 30.00 Cambridge City Datum and which extend 3.50 feet northerly along Massachusetts Avenue across the abutting property line of the Premises, all as more particularly shown on the plan entitled "Subsurface Easement Plan, Cambridge, Mass." dated August 3, 1984 and prepared by Harry R. Feldman, Inc., the original of which is to be recorded herewith (the "Plan").

The Parcel is bounded and described as follows:

SOUTHERLY by the Northerly boundary of the Premises,
180.00 feet;

WESTERLY,
NORTHERLY AND
EASTERLY: by other land of the City of Cambridge by
three lines measuring respectively 3.50 feet,
180.00 feet and 3.50 feet.

All "elevations" hereinbefore mentioned are measured vertically from the sea level datum of 1929 as computed and established by the United States Coast and Geodetic Survey.

MA Investors, and its successors and assigns, in consideration of its acceptance of the easement granted herein, agrees to indemnify and hold harmless the City of Cambridge from any and all loss, cost, expense or damage, including reasonable attorneys' fees, arising in connection with any exercise of MA Investor's rights hereunder.

This easement is granted subject to the following conditions to retain trees at the Shea Site:

1. Excavate to the minimum distance beyond the wall of the building.
2. Buttress excavation to maintain grade around trees and build retaining wall to shore up roots.
3. Construct chain link fence between the trees and area of construction, to prevent damage both from equipment and from backfill piled around them.
4. Retain major trees that are ten feet from building and grow straight.
5. Remove nailed fence from trees.

This deed of easement is given in full compliance with Massachusetts General Laws, Chapter 44, Section 63A.

In City Council August 15, 1984.
Adopted by the affirmative vote of 8 members.
Attest:- Paul E. Healy, City Clerk.

A true copy;

ATTEST:- _____

Paul E. Healy, City Clerk.

IN WITNESS WHEREOF, the City of Cambridge has caused its corporate seal to be hereto affixed and these presents to be signed in its name and behalf by Robert W. Healy, the City Manager, this day of 1984.

CITY OF CAMBRIDGE

By: _____

City Manager

APPROVED AS TO FORM AND
CONTENTS BY CITY OF CAMBRIDGE
LAW DEPARTMENT

By: _____

AGREED AND ACCEPTED:

MA INVESTORS, a Massachusetts
limited partnership

By: KSSA-MAI Associates,
general partner

By: _____

Partner

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

1984

Then personally appeared 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.

Notary Public
My commission expires:



City of Cambridge

Draft B

Communication #37

IN CITY COUNCIL

August 15, 1984

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CITY OF CAMBRIDGE

By: _____

City Manager

APPROVED AS TO FORM AND CONTENTS BY CITY OF CAMBRIDGE LAW DEPARTMENT

By: _____

AGREED AND ACCEPTED:

MA INVESTORS, a Massachusetts limited partnership

By: KSSA-MAI Associates, general partner

By: _____

Partner

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

1984

Then personally appeared 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.

Notary Public

My commission expires:

City of Cambridge

COMMUNICATIONS - CITY COUNCIL MEETING OF WEDNESDAY, AUGUST 15, 1984

36. Petition received from Gabriel Schmergel, President, Genetics Institute, Roger W. Altreuter, Asst. Vice-Pres., Spaulding & Slye, et al, requesting that Rindge Avenue Extention be renamed as "CambridgePark Drive".

36.ADOPT ORDER



37. Petition received from Roger W. Altreuter, Asst. Vice-Pres., Spaulding & Slye, on behalf of 1030 Mass. Avenue Associates, requesting that the City Council grant an easement to permit foundation footings for its proposed building to extend underneath the sidewalk along Mass. Avenue; said footings to be more than 10' below ground surface and would extend less than 3½ feet beyond the property line.

37.ADOPT ORDER

11:22
pm

~~Sam Altreuter~~ of Spaulding & Slye

CMSD cannot adopt these
be part of granting of
the easement

Must adopt ↓
↓
Cannot request adopt

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5. Remove nailed fence from trees.

This deed of easement is given in full compliance with Massachusetts General Laws, Chapter 44, Section 63A.

B. In re Isadore / 742 - 9100

what about any future dead trees

→ Comply with conditions

Cert. of occupancy shall
be sufficient proof of same

To be added to easement

Use reasonable effort to maintain
major trees

Copy to Joe Colucci

I.S.C.

The issuance of a Certificate of occupancy shall be sufficient proof of compliance with the conditions set forth within this easement

by the appropriate issuing authority.

HALE AND DORR
COUNSELLORS AT LAW

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

60 STATE STREET

BOSTON, MASSACHUSETTS 02109

(617) 742-9100

CABLE HAFIS BSN
TELEX 94-0472
TELECOPIER
DOMESTIC (617) 367-6133 (617) 742-9108
INTERNATIONAL (617) 367-6180

WASHINGTON OFFICE
1201 PENNSYLVANIA AVE., N.W.
WASHINGTON, D.C. 20004
(202) 393-0800
CABLE HAFIS WSH
TELECOPIER (202) 393-4497

August 15, 1984

Mr. Russell B. Higley,
Cambridge City Solicitor
City Hall
795 Massachusetts Avenue
Cambridge, Massachusetts 02139

Re: 1030 Massachusetts Avenue Cambridge, Massachusetts
Easement Agreement with the City of Cambridge

Dear Mr. Higley:

Enclosed please find an initial draft of the subsurface easement agreement under Massachusetts Avenue where it abuts 1030 Massachusetts Avenue. Mr. Altreuter at Spaulding and Slye Company requested that I forward this document to you prior to the meeting of the City Council so that you would be more fully up to date with respect to this request for such subsurface easement.

I remain available to answer any questions which you may have now or in the future.

Very truly yours,



Bruce A. Issadore

BAI:val

enclosure

cc: John D. Hamilton, Jr., Esq.
Robert Tuchmann, Esq.
Mr. Roger W. Altreuter

DEED OF EASEMENT

WHEREAS, on August 14, 1984, there was submitted to the City Council of the City of Cambridge (the "City Council"); for the granting of permanent easements required in connection with a building to be constructed known as 1030 Massachusetts Avenue; and

WHEREAS, said request has been approved unanimously by the Planning Board of the City of Cambridge and the City Council; and

WHEREAS, on _____, 1984, the City Council ordered that the City Manager of the City of Cambridge (the "City Manager") grant said request; and

WHEREAS, the City Council and the City Clerk have complied in all respects with the requirements of Massachusetts General Laws, Chapter 40, Section 15, and Ordinance No. 733 of the City of Cambridge.

NOW, THEREFORE, the City of Cambridge, for nominal consideration, the receipt and sufficiency of which is hereby acknowledged, does hereby grant, with quitclaim covenants, to MA Investors, a Massachusetts limited partnership ("MA Investors") and its successors and assigns, perpetual and permanent easements to use the following parcel of land for the purpose of locating portions of buildings, foundations, support systems, or other structures, the rest of which is constructed or to be constructed upon the land known as 1030 Massachusetts Avenue, Cambridge, Massachusetts, as more particularly described in a certain deed from Spaulding and Slye Corporation to MA Investors filed for registration on May 26, 1982 with the Middlesex South Registration District of the Land Court as Document No. 623341 and recorded on May 26, 1982 with Middlesex South Deeds in Book 14619, Page 256 (the "Premises").

Parcel

That portion of the parcel of land hereinafter described in (the "Parcel") which lies below (but not above) that horizontal plane which has an elevation of 30.00 Cambridge City Datum and which will extend 3.50 feet northerly along Massachusetts Avenue across the abutting property line of the Premises, all as more particularly shown on the plan entitled "Subsurface Easement Plan, Cambridge, Mass." dated August 3, 1984 and prepared by Harry R. Feldman, Inc., the original of which is to be recorded herewith (the "Plan").

The Parcel is bounded and described as follows:

SOUTHERLY: by the Northerly boundary of the Premises, 180.00 feet;

WESTERLY,
NORTHERLY AND

EASTERLY: by other land of the City of Cambridge by three lines measuring respectively 3.50 feet, 180.00 feet and 3.50 feet.

All "elevations " hereinbefore mentioned are measured vertically from the sea level datum of 1929 as computed and established by the United States Coast and Geodetic Survey.

MA Investors, and its successors and assigns, in consideration of its acceptance of the easement granted herein, agrees to indemnify and hold harmless the City of Cambridge from any and all loss, cost, expense or damage, including reasonable attorneys' fees, arising in connection with any exercise of MA Investor's rights hereunder.

This easement is granted subject to the following conditions to retain trees at
This deed of easement is given in full compliance with Massachusetts General Laws, Chapter 44, Section 63A.

IN WITNESS WHEREOF, the City of Cambridge has caused its corporate seal to be hereto affixed and these presents to be signed in its name and behalf by _____, the City Manager, this _____ day of _____, 1984. *the Sheriff!*

CITY OF CAMBRIDGE

By: _____
City Manager

APPROVED AS TO FORM AND CONTENTS BY CITY OF CAMBRIDGE LAW DEPARTMENT

By: _____

AGREED AND ACCEPTED:

MA INVESTORS, a Massachusetts limited partnership

By: KSSA-MAI Associates,
general partner

By: _____
Partner

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss. _____, 1984

Then personally appeared _____, 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:

August 14, 1984

To the Honorable City Council:

We are abutters of the Shea site at 1030 Massachusetts Avenue. A year ago we submitted the Corcoran petition for a landscaped buffer between the BB-1 and BB-2 districts and adjacent residential districts. The City Council unanimously approved this addition to Section 5.33 of the Zoning Ordinance in June, 1983. It includes the requirement that "every effort shall be made to retain the best existing trees" in the buffers.

We understand that Spaulding & Slye Corp., developer of the Shea site, has petitioned the Council for a subsurface easement to permit foundation footings underneath the sidewalk along Mass. Avenue. If the Council grants the request, it will be presenting Spaulding & Slye with a gift of considerable value. The easement is a legal privilege, and it represents a savings of many thousands of dollars. While we believe in generosity, we do not think that Spaulding & Slye has acted with equivalent generosity toward us as neighbors in Cambridge.

We doubt that the developer is complying with the spirit, and possibly the letter, of the ordinance to retain the best existing trees in the buffer behind the planned building:

- Their plan, submitted to the Inspections Department, inaccurately represents the property line and therefore shows a greater proportion of trees saved than is actually the case;
- Two of the trees marked to be cut do not meet their own stated criteria for destruction;
- They plan to excavate ten feet, rather than the three feet necessary, beyond the wall of the building;
- They have refused to build a retaining wall to shore up the roots of the trees. When some of us offered to help defray expenses for such a measure, they rudely ignored our offer;
- They have declined to put a sturdy fence within their own boundary to protect the trunks and branches during construction;
- They have nailed a chain-link fence to the trees.

We are particularly disturbed that even when the neighborhood offered financial assistance to save the trees, Spaulding & Slye turned us down.

We do not know the legal considerations involved but we ask the Council to consider requiring a quid pro quo for the benefit Spaulding & Slye asks. Specifically, if the easement permits the company to save perhaps

hundreds of thousands of dollars, some part of that savings could be applied toward the costs of fulfilling their obligations under the zoning ordinance. Attached is a list of measures that would help retain the best existing trees.

We are grateful for your consideration of this matter. As we have seen from the loss of trees behind Spaulding & Slye's building at 1000 Massachusetts Avenue, a developer must be fully aware of the value of trees in buffer zones or he will not prevent major damage to them during construction.

Sincerely,

Patrick J. Corcoran
667 Green St.

Margaret Corcoran
667 Green St.

Bob E. Johns II
638 Green St.

Diane Curtis
659 Green St.

Dana Feldstein

661 Green Street

Harriet Fenberg
639 Green St.

Janet Murray
641 Green St.

Shirley Morse

663 Green St.

Francis P. Richard

652 Green St.

Barbara A. Richard

652 Green St.

Agnes Anderson

647 Green St.

Margaret Valerquist

648 Green St.

Kathryn E. Maloney

649 Green St.

John J. Barry

649 Green Street

Carol Munica

645 Green Street

August 15, 1984

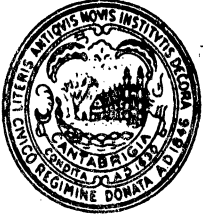
Amendment offered by E.W.T. Lohman

Measures To Retain Trees at the Shea Site

1. Excavate to the minimum distance beyond the wall of the building.
2. Buttress excavation to maintain grade around trees and build retaining wall to shore up roots.
3. Construct chain link fence between the trees and area of construction, to prevent damage both from equipment and from backfill piled around them.
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Amendment adopted

Order as recorded - Passed - 8/15/84



CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139 • (617) 498-9017

OFFICE OF
THE CITY CLERK

August 30, 1984

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PEH/dl

Encs. Draft A
Draft B

c.c. Russell Higley, City Solicitor.



City of Cambridge

Draft A

Communication #37

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In City Council August 15, 1984.
Adopted by the affirmative vote of 8 members.
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A true copy;

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By: KSSA-MAI Associates, general partner

By: _____

Partner

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

1984

Then personally appeared 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.

Notary Public

My commission expires:



*Amended Copy of Recording at
Registry 10/12/1984*
City of Cambridge

Communication #37

IN CITY COUNCIL

August 15, 1984

- WHEREAS: on August 14, 1984, there was submitted to the City Council of the City of Cambridge (the "City Council"); for the granting of permanent easements required in connection with a building to be constructed known as 1030 Massachusetts Avenue; and
- WHEREAS: said request has been approved unanimously by the Planning Board of the City of Cambridge and the City Council; and
- WHEREAS: on August 15, 1984, the City Council ordered that the City Manager of the City of Cambridge (the "City Manager") grant said request; and
- WHEREAS: the City Council and the City Clerk have complied in all respects with the requirements of Massachusetts General Laws, Chapter 40, Section 15 and Ordinance Number 733 of the City of Cambridge, now therefore be it

ORDERED: that the City of Cambridge, for nominal consideration, the receipt and sufficiency of which is hereby acknowledged, does hereby grant, with quitclaim covenants, to MA Investors, a Massachusetts limited partnership ("MA Investors") and its successors and assigns, perpetual and permanent easements to use the following parcel of land for the purpose of locating portions of buildings, foundations, support systems, or other structures, the rest of which is constructed or to be constructed upon the land known as 1030 Massachusetts Avenue, Cambridge, Massachusetts, as more particularly described in a certain deed from Spaulding and Slye Corporation to MA Investors filed for registration on May 26, 1982 with the Middlesex South Registration District of the Land Court as Document Number ~~623341~~ and recorded on May 26, 1982 with Middlesex South Deeds in Book 14619, Page 256 (the "Premises");

*Change #1
642342
623342
Change #2*

*For Title/sec/rent # 165299 Book 956
Page 149*
PARCEL

That portion of the parcel of land hereinafter described in (the "Parcel") which lies below (but not above) that horizontal plane which has an elevation of 30.00 Cambridge City Datum and which ^{will} extend 3.50 feet northerly along Massachusetts Avenue across the abutting property line of the Premises, all as more particularly shown on the plan entitled "Subsurface Easement Plan, Cambridge, Mass." dated August 3, 1984 and prepared by Harry R. Feldman, Inc., the original of which is to be recorded herewith (the "Plan").

The Parcel is bounded and described as follows:

SOUTHERLY

by the Northerly boundary of the Premises,
180.00 feet;

WESTERLY,
NORTHERLY AND
EASTERLY:

by other land of the City of Cambridge by
three lines measuring respectively 3.50 feet,
180.00 feet and 3.50 feet.

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MA Investors, and its successors and assigns, in consideration of its acceptance of the easement granted herein, agrees to indemnify and hold harmless the City of Cambridge from any and all loss, cost, expense or damage, including reasonable attorneys' fees, arising in connection with any exercise of MA Investor's rights hereunder.

This easement is granted subject to the following conditions to retain trees at the Shea Site:

1. Excavate to the minimum distance beyond the wall of the building.
2. Buttress excavation to maintain grade around trees and build retaining wall to shore up roots.
3. Construct chain link fence between the trees and area of construction, to prevent damage both from equipment and from backfill piled around them.
4. Retain major trees that are ten feet from building and grow straight.
5. Remove nailed fence from trees.
6. The issuance by the appropriate issuing authority of a Certificate of Occupancy shall be deemed as sufficient proof of compliance with the conditions set forth herein.

This deed of easement is given in full compliance with Massachusetts General Laws, Chapter 44, Section 63A.

In City Council August 15, 1984.
Adopted by the affirmative vote of 8 members.
Attest:- Paul E. Healy, City Clerk.

A true copy;

ATTEST:- _____

Paul E. Healy, City Clerk.

IN WITNESS WHEREOF, the City of Cambridge has caused its corporate seal to be hereto affixed and these presents to be signed in its name and behalf by Robert W. Healy, the City Manager, this day of 1984.

CITY OF CAMBRIDGE

By: _____

City Manager

APPROVED AS TO FORM AND
CONTENTS BY CITY OF CAMBRIDGE
LAW DEPARTMENT

By: _____

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limited partnership

By: KSSA-MAI Associates,
general partner

By: _____

Partner

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

1984

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Notary Public
My commission expires:

HALE AND DORR
COUNSELLORS AT LAW
A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS
60 STATE STREET
BOSTON, MASSACHUSETTS 02109

CABLE HAFIS BSN
TELEX 94-0472
TELECOPIER
DOMESTIC (617) 367-6133 (617) 742-9108
INTERNATIONAL (617) 367-6180

(617) 742-9100

WASHINGTON OFFICE
1201 PENNSYLVANIA AVE., N.W.
WASHINGTON, D.C. 20004
(202) 393-0800
CABLE HAFIS WSH
TELECOPIER (202) 393-4497

September 28, 1984

Mr. Joseph Connarton
Deputy City Clerk
City Clerk's Office
Cambridge, Massachusetts

Re: Sub-Surface Easement Agreement

Dear Joe:

Enclosed please find two counterparts of the Sub-Surface Easement Agreement between MA Investors and the City of Cambridge, which easement has been agreed to and accepted by MA Investors. Also enclosed are two mylars of the "Sub-Surface Easement Plan, Cambridge, Mass." dated August 3, 1984 and prepared by Harry R. Feldman, Inc., which mylars are to be recorded with the Easement.

The property is made up of four parcels, two of which are registered land and two of which are unregistered. Accordingly, one counterpart of the Sub-Surface Easement Agreement along with a mylar of the plan needs to be registered with the Middlesex Registry District of the Land Court. Under separate cover, you will be receiving from Spaulding & Slye Company the Owner's Duplicate Certificate of Title, which I request you leave with said Registry District since other documents regarding the property will be filed for registration shortly. The other counterpart along with a mylar should be recorded with the Middlesex South Registry of Deeds.

I would appreciate your contacting me when the enclosed are fully executed and again with the filing and recording information when the enclosed are filed and recorded.

Thank you very much for all of your assistance in this matter. If you have any questions or if I can be of any help to you, please let me know.

Very truly yours,



Bruce A. Issadore

BAI:val
enclosure
cc: Mr. Roger W. Altreuter



City of Cambridge

Communication #37

IN CITY COUNCIL

August 15, 1984

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This easement is granted subject to the following conditions to retain trees at the Shea Site:

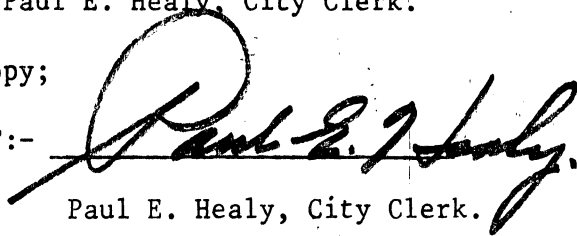
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In City Council August 15, 1984.
Adopted by the affirmative vote of 8 members.
Attest:- Paul E. Healy, City Clerk.

A true copy;

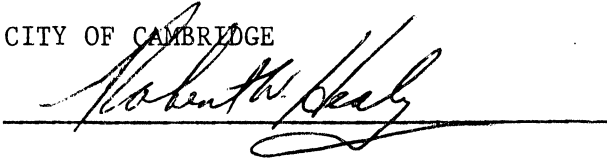
ATTEST:-


Paul E. Healy, City Clerk.

IN WITNESS WHEREOF, the City of Cambridge has caused its corporate seal to be hereto affixed and these presents to be signed in its name and behalf by Robert W. Healy, the City Manager, this 1st day of October, 1984.

CITY OF CAMBRIDGE

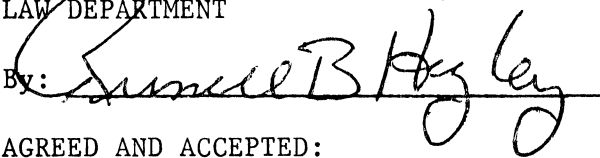
By:



City Manager

APPROVED AS TO FORM AND CONTENTS BY CITY OF CAMBRIDGE LAW DEPARTMENT

By:




AGREED AND ACCEPTED:

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By: KSSA-MAI Associates, general partner

By:



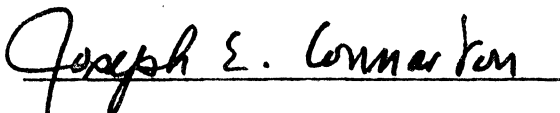
Partner

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

October 1, 1984

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Notary Public

My commission expires: 2/9/90



City of Cambridge

Communication #37

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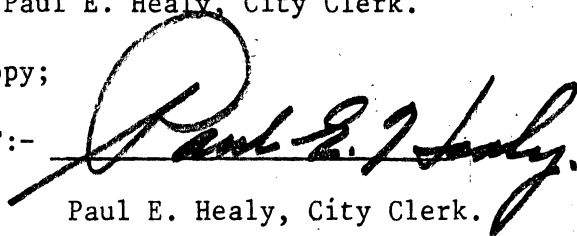
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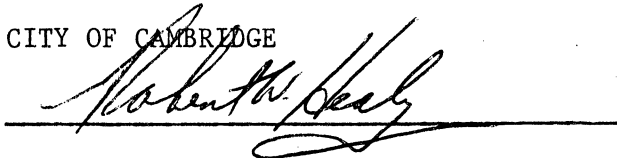
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CITY OF CAMBRIDGE

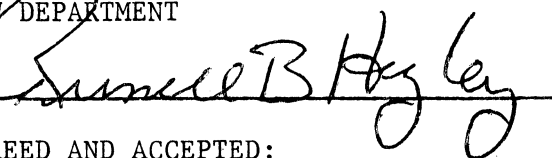
By:



City Manager

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By:

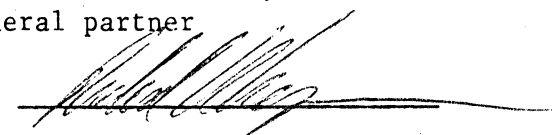


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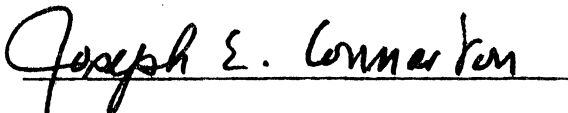
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A true copy;

ATTEST:- _____

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CITY OF CAMBRIDGE

By: _____

City Manager

APPROVED AS TO FORM AND
CONTENTS BY CITY OF CAMBRIDGE
LAW DEPARTMENT

By: _____

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Notary Public
My commission expires:

RECEIVED BY
OFFICE OF CITY CLERK
Cambridge

August 8 19 84

AUG 9 12:03 PM '84

To the Honorable, the City Council of the
City of Cambridge: CAMBRIDGE, MASS.

The undersigned respectfully pray

The City of Cambridge grant a subsurface easement to 1030 Massachusetts Avenue Associates for underground foundation footings.



Roger W. Altreuter
Assistant Vice President
Spaulding & Slye Company

for: 1030 Massachusetts Avenue Associates

PETITION

of _____

for _____

No. _____

_____ **19**

In City Council,

19:

Referred to the Committee on

Attest:

City Clerk.

RECEIVED
OFFICE OF CITY CLERK
AUG 9 12 03 PM '84
AUGUST 9, 1984
CAMBRIDGE, MASS.

Spaulding & Slye

CAMBRIDGE CITY HALL
Cambridge, Massachusetts 02139

Attn: Mayor Russell,
City Council Members

Dear Mayor Russell and Members of the City Council:

On behalf of 1030 Massachusetts Avenue Associates, Spaulding & Slye has submitted a petition to the City Clerk asking that the City Council consider granting a subsurface easement to permit foundation footings for our proposed building to extend underneath the sidewalk along Massachusetts Avenue. These footings will be more than 10' below the ground surface, extend less than 3½ feet beyond the property line, and would not interfere with any existing underground utilities.

We understand that easements of this sort have been granted in similar instances in the past, and would like to call your attention to the fact that our building permit application includes plans to completely resurface all four lanes of Mass. Ave. directly adjacent to the site. We believe that the granting of this easement will in no way detract from the City's existing property rights. On the other hand, without this easement, it will be necessary for us to employ a more elaborate and deeper foundation scheme which would necessarily increase the time required to construct our facility. I hope you will look favorably upon this request and look forward to meeting with you on Wednesday evening.

Sincerely,



Roger W. Altreuter
Assistant Vice President
Project Manager

RWA:ldr

cc: Joe Kellogg, Community Development
Kathy Spiegelman, " "
George Teso, Traffic Department
Everett Kennedy, Department of Public Works
Richard Horgan, Building Department

S. 523A

Petition of Roger W. Altreuter, Asst. Vice-President, Spaulding & Slye, on behalf of 1030 Mass. Ave. Associates requesting that the Council grant a subsurface easement to permit foundation footings for its proposed building; said footings to extend underneath the sidewalk along Mass. Avenue.

In City Council,

August 15, 1984

8/15/84