



City of Cambridge

A

IN CITY COUNCIL

December 11, 1978

CITY COUNCIL ORDER REVOKING STEAM LINE PERMIT

WHEREAS:

A communication has been received from the City Manager requesting that the City Council revoke the permit authorized by a City Council Order, adopted December 17, 1945 and granted to Cambridge Steam Corporation, to lay, maintain and use steam lines in former Potter Street west of Sixth Street and in former Fulkerson (former Ninth) Street; and

WHEREAS:

A public hearing, after due and proper notice, has been held with respect to this matter;

THEREFORE BE IT ORDERED:

That the permit authorized by a City Council Order, adopted December 17, 1945 and granted to Cambridge Steam Corporation to lay, maintain and use steam lines in former Potter Street west of Sixth Street and in former Fulkerson (former Ninth) Street, be and hereby is revoked, as of March 15, 1979.

In City Council December 18, 1978

Adopted by a yeas and nays vote:

Yeas 7; Nays 1; Absent 1.

Attest: Paul E. Healy, City Clerk

A true copy,

ATTEST:

A handwritten signature in cursive script, reading "Paul E. Healy", written in dark ink.



CITY OF CAMBRIDGE

CAMBRIDGE, MASSACHUSETTS 02139
Tel. 876-6300

AMENDED ORDER
IN CITY COUNCIL
November 20, 1978

WHEREAS:

A communication has been received from the City Manager requesting that the City Council revoke the permit authorized by a City Council Order, adopted December 17, 1945 and granted to Cambridge Steam Corporation, to lay, maintain and use steam lines in Potter Street west of Sixth Street and in Fulkerson (former Ninth) Street within the Kendall Square Urban Renewal Area, and order the removal of steam lines of Cambridge Steam Corporation from that portion of Potter Street; and

WHEREAS:

The City Manager has also recommended that the City Council authorize the grant to Cambridge Steam Corporation of a similar permit to lay, maintain and use steam lines in Sixth Street, between Potter and Binney Streets, as a possible alternative location, and has requested the City Council concur in the form of license the Cambridge Redevelopment Authority is willing and proposes to grant to Cambridge Steam Corporation authorizing the installation, maintenance and use of steam lines in alternative locations agreed upon by the Authority and the Steam Corporation in land owned by the Authority; and

WHEREAS:

The City Manager has requested that a public hearing be held by the City Council for the purpose of considering and acting upon such matters:

THEREFORE BE IT ORDERED:

That due notice be given to Cambridge Steam Corporation and all other interested persons that this City Council will hold a public hearing on Monday, December 11, 1978 at eight o'clock P.M. (EST) in the City Council Chamber, City Hall, 795 Massachusetts Avenue, Cambridge, Massachusetts, to consider and act upon (a) the

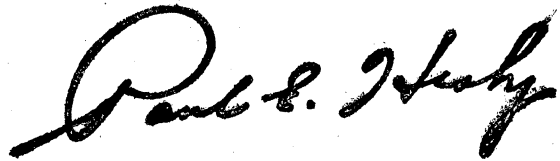
matter of the revocation of the permit authorized by a City Council Order adopted December 17, 1945 and granted to Cambridge Steam Corporation to lay, maintain and use steam lines in Potter Street west of Sixth Street and in Fulkerson (former Ninth) Street, and the removal of the steam lines and related facilities and connections of Cambridge Steam Corporation from said portion of Potter Street, and (b) the matter of the authorization of the grant to Cambridge Steam Corporation of a permit to lay, maintain and use steam lines and related facilities and connections in Sixth Street between Potter and Binney Streets; and that the City Clerk cause copies of this order of notice to be posted in at least two public places in the City of Cambridge and to be published at least once in the Cambridge Chronicle or other publication, the posting and publication to be at least fourteen days before the date of the hearing.

In City Council November 20, 1978
Adopted as amended by the affirmative vote of
9 members.

Attest: Paul E. Healy, City Clerk

A true copy,

ATTEST:

A handwritten signature in dark ink, appearing to read "Paul E. Healy", written in a cursive style.



Agenda #9

CITY OF CAMBRIDGE

CAMBRIDGE, MASSACHUSETTS 02139
Tel. 876-6300

IN CITY COUNCIL
November 20, 1978

WHEREAS:

A communication has been received from the City Manager requesting that the City Council revoke the permit authorized by a City Council Order, adopted December 17, 1945 and granted to Cambridge Steam Corporation, to lay, maintain and use steam lines in Potter Street west of Sixth Street and in Fulkerson (former Ninth) Street within the Kendall Square Urban Renewal Area, and order the removal of steam lines of Cambridge Steam Corporation from that portion of Potter Street; and

WHEREAS:

The City Manager has also recommended that the City Council authorize the grant to Cambridge Steam Corporation of a similar permit to lay, maintain and use steam lines in Sixth Street, between Potter and Binney Streets, as a possible alternative location, and has requested the City Council concur in the form of license the Cambridge Redevelopment Authority is willing and proposes to grant to Cambridge Steam Corporation authorizing the installation, maintenance and use of steam lines in alternative locations agreed upon by the Authority and the Steam Corporation in land owned by the Authority; and

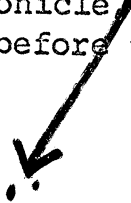
WHEREAS:

The City Manager has requested that a public hearing be held by the City Council for the purpose of considering and acting upon such matters:

THEREFORE BE IT ORDERED:

That due notice be given to Cambridge Steam Corporation and all other interested persons that this City Council will hold a public hearing on Monday, December 11, 1978 at eight o'clock P.M. (EST) in the City Council Chamber, City Hall, 795 Massachusetts Avenue, Cambridge, Massachusetts, to consider and act upon (a) the

matter of the revocation of the permit authorized by a City Council Order adopted December 17, 1945 and granted to Cambridge Steam Corporation to lay, maintain and use steam lines in Potter Street west of Sixth Street and in Fulkerson (former Ninth) Street, and the removal of the steam lines and related facilities and connections of Cambridge Steam Corporation from said portion of Potter Street, and (b) the matter of the authorization of the grant to Cambridge Steam Corporation of a permit to lay, maintain and use steam lines and related facilities and connections in Sixth Street between Potter and Binney Streets; and that the City Clerk cause copies of this order of notice to be posted in at least two public places in the City of Cambridge and to be published at least once in the Cambridge Chronicle, the posting and publication to be at least fourteen days before the date of the hearing.


ON OTHER PUBLICATION "
Warranted by C. F. Fucci



CITY OF CAMBRIDGE

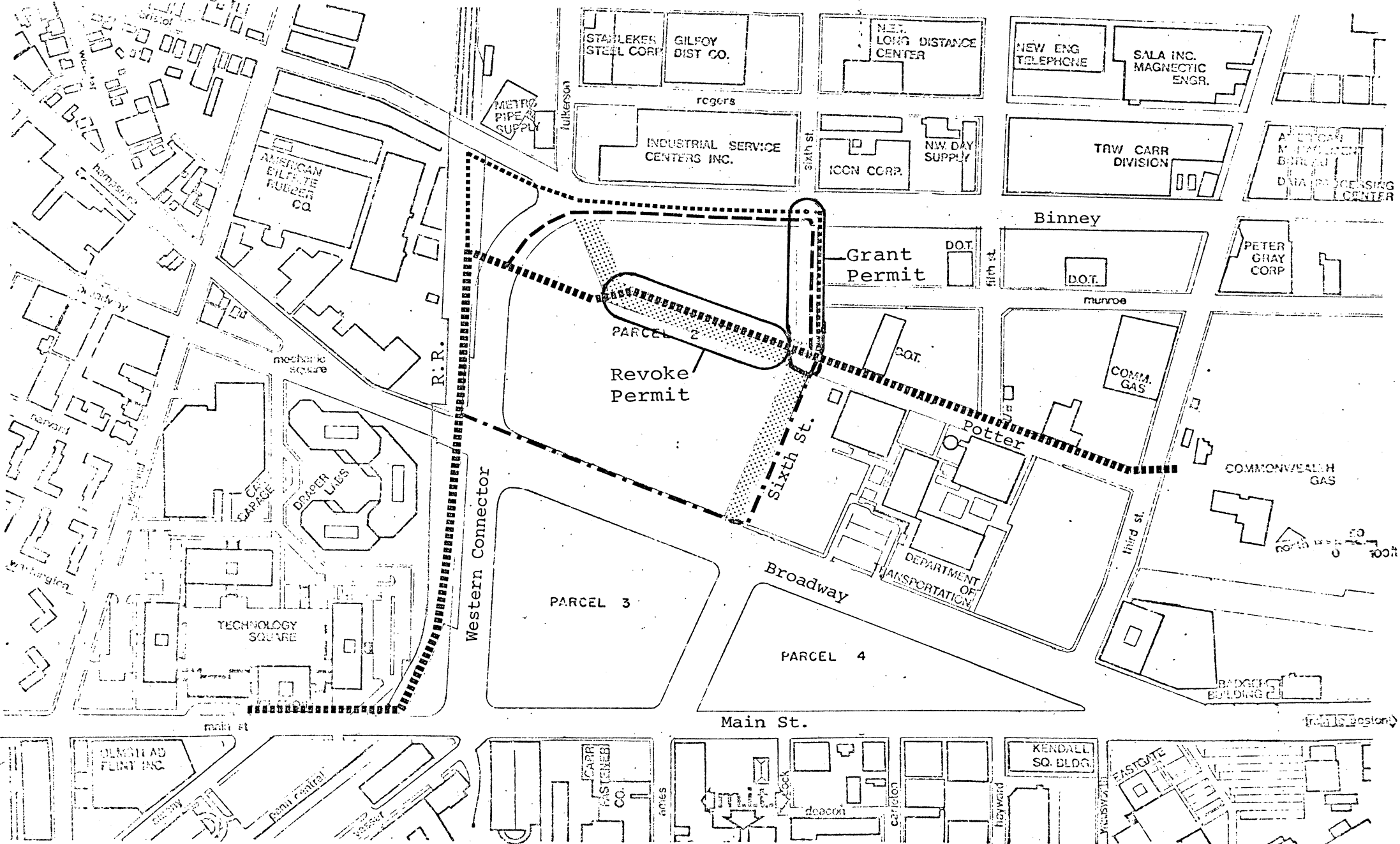
CAMBRIDGE, MASSACHUSETTS 02139
Tel. 876-6900

IN CITY COUNCIL
November 20, 1978

NOTICE OF PUBLIC HEARING

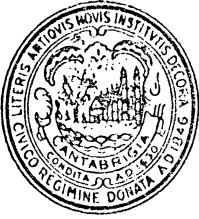
Notice is hereby given that a public hearing will be held by the Cambridge City Council in its Chamber, Cambridge City Hall, 795 Massachusetts Avenue, Cambridge, Massachusetts, at 8:00 P.M. (EST), on December 11, 1978, to consider and act upon (a) the matter of the removal of the steam lines and related facilities and connections of Cambridge Steam Corporation from Potter Street west of Sixth Street and the revocation of the permit authorized by a City Council Order adopted December 17, 1945 and granted to Cambridge Steam Corporation to lay, maintain and use steam lines in said portion of Potter Street and in Fulkerson (former Ninth) Street, (b) the matter of the authorization of the grant to Cambridge Steam Corporation of a permit to lay, maintain and use steam lines in an alternative location in Sixth Street between Potter and Binney Streets, and (c) such other matters as may properly come before the City Council.

Plans showing the approximate location of the existing steam lines in Potter Street west of Sixth Street and the possible alternative relocations, and a proposed Form of License or Permit will be available for examination in the office of the City Clerk, Cambridge City Hall, Cambridge, Massachusetts, prior to the hearing.



- LEGEND**
- Existing steamline
 - Steamline relocation alternative A
 - Steamline relocation alternative B
 - Steamline relocation alternative C
 - Discontinued streets

STEAMLINE RELOCATION ALTERNATIVES



CITY OF CAMBRIDGE

147 HAMPSHIRE ST., CAMBRIDGE, MASSACHUSETTS 02139 • TEL. 492-7450

PUBLIC WORKS DEPARTMENT

Conrad C. Fagone
Commissioner

November 17, 1978

Robert Rowland
Executive Director
Cambridge Redevelopment Authority
336 Main Street
Cambridge, Massachusetts 02142

Re: Review and Concurrence in Cambridge Steam Corporation
Alternatives in the Kendall Square Urban Renewal Area

Dear Mr. Rowland:

I have reviewed all materials related to the termination by the City of Cambridge of the temporary permit granted to the Cambridge Steam Corporation. I have also reviewed the illustrative drawing dated September 8, 1978, prepared by Authority Engineers, Fay Spofford & Thorndike entitled, "Steam Main Relocation Alternatives".

After such reviews, this is to inform you that as Commissioner of Public Works of the City of Cambridge, I interpose no objection to the alternative which utilizes Sixth Street between Potter and Binney Streets, nor to any of the alternatives which would involve the use of land presently owned by the Authority and which, in the future, may become parts of public ways.

I understand that this matter will be acted upon by the City Council. If required, I will be available to state my recommendation as outlined above.

Very truly yours,

Conrad C. Fagone
Commissioner

CCF/ho'



CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

(617) 876-6800

LAW DEPARTMENT

RUSSELL B. HIGLEY
CITY SOLICITOR

RUSSELL B. HIGLEY

EDWARD A. CUNNINGHAM
ANDREW T. TRODDEN
LEGAL COUNSEL

CHARLES A. WATSON
LEGISLATIVE AGENT

November 17, 1978

Mr. Robert F. Rowland
Executive Director
Cambridge Redevelopment Authority
336 Main Street
Cambridge, Massachusetts 02142

Re: Review and Approval of Proposed Form of Agreement(s)
with the Cambridge Steam Corporation in the Kendall
Square Urban Renewal Area

Dear Mr. Rowland:

I have reviewed the enclosed form of license agreement by and between the Cambridge Redevelopment Authority and the Cambridge Steam Corporation and interpose no objection. It is in such a form which I would approve in the event that a substantially similar agreement would be required by and between the City of Cambridge and the Corporation.

Sincerely yours,

Russell B. Higley
City Solicitor

RBH:ehb
Enclosure



CITY OF CAMBRIDGE

CAMBRIDGE, MASSACHUSETTS 02139
Tel. 876-6900

IN CITY COUNCIL

D R A F T

PROPOSED CITY COUNCIL ORDER (1) REVOKING STEAM LINE PERMIT AND ORDERING REMOVAL OF STEAM LINES, (2) AUTHORIZING GRANT OF NEW PERMIT, AND (3) CONCURRING IN FORM OF LICENSE BY CAMBRIDGE REDEVELOPMENT AUTHORITY

WHEREAS:

A communication has been received from the City Manager requesting that the City Council revoke the permit authorized by a City Council Order, adopted December 17, 1945 and granted to Cambridge Steam Corporation, to lay, maintain and use steam lines in Potter Street west of Sixth Street and in Fulkerson (former Ninth) Street and order the removal of existing steam lines and related facilities and connections from said portion of Potter Street; and

WHEREAS:

There are a number of alternative routes in which the steam lines can be located; and in connection therewith the City Manager has recommended that the City Council authorize the grant to Cambridge Steam Corporation of a permit to lay, maintain and use steam lines in Sixth Street between Potter and Binney Streets, and the Cambridge Redevelopment Authority has indicated its willingness to grant a license to the Steam Corporation to lay, maintain and use steam lines in any alternative location agreed upon by the Authority and the Steam Corporation in land owned by the Authority in lieu of the location in Sixth Street north of Potter Street; and

WHEREAS:

A public hearing, after due and proper notice, has been held with respect to these matters;

THEREFORE BE IT ORDERED:

That the permit authorized by a City Council Order, adopted December 17, 1945 and granted to Cambridge Steam Corporation to lay, maintain and use steam lines in Potter Street west of Sixth Street and in Fulkerson (former Ninth) Street, be and hereby is revoked, as of March 15, 1979;

FURTHER ORDERED:

That Cambridge Steam Corporation be and hereby is ordered to remove, no later than March 15, 1979, its steam lines and related facilities and connections from Potter Street west of Sixth Street;

FURTHER ORDERED:

That the Superintendent of Public Works be authorized, under the provisions of the City Ordinances, to grant at any time within one year from the date of this Order to Cambridge Steam Corporation a permit or license to lay, maintain and use two sixteen inch diameter welded steel steam lines and one six inch welded steel condensate return line, all to be insulated and enclosed in a duct approximately sixty-six inches by thirty-six inches, with the necessary manholes and service connections in Sixth Street between Potter and Binney Streets.

All the above-mentioned lines to be located under sidewalks as shown on plan entitled: "Cambridge Steam Corporation, Proposed Steam Lines, Sixth Street", dated , 1978, on file with this Order. Said permit or license to be granted upon the following conditions:

FIRST: The work in the street not to be unnecessarily delayed nor the public travel unnecessarily interfered with during the construction of the ducts. The amount of space, time, manner, etc. of occupation of the street to be arranged with the Superintendent of Public Works of Cambridge.

SECOND: All work of relaying, reconstructing and repairing any sewer, sewer construction, appurtenance or fixture, to be done as directed by the City Engineer of Cambridge and to his entire satisfaction and acceptance.

THIRD: The relaying and reconstruction of water pipes and service connections, if any, to be done in a manner satisfactory to the Cambridge Water Board.

FOURTH: In relaying, supporting or repairing gas pipes, electric conduits or other structures not belonging to the City of Cambridge, the Cambridge Steam Corporation is to make adequate and satisfactory arrangements with the several companies whose structures may be affected by the construction of the ducts.

FIFTH: The refilling and replacing of the material around and over the ducts to be done so as to prevent, as far as possible, all settlement of the surface. The surface of the public streets which have been disturbed or injured by the construction of the ducts are to be repaired and repaved, in a first class manner, with the same class of pavement that existed on the street before the work was begun. All such work of repairing and repaving to be done by the Public Works Department of the City of Cambridge at the expense of the Cambridge Steam Corporation.

SIXTH: During the progress of the construction of the ducts, all sewer, water, gas and electric services must be maintained by the contractor to supply the wants of the abutters upon the street if they so request.

SEVENTH: If at any time the City Council shall decide that in its opinion public necessity and convenience require that the ducts be altered or otherwise changed in its location, the said Cambridge Steam Corporation on receiving due and proper notice from the City Council defining and requiring such alterations as it desires, shall at once and at its own expense, cause such alterations to be made.

Provided: That, before proceeding to excavate for the purpose of constructing said ducts, as hereby authorized, the licensee shall file with the City Clerk a satisfactory bond in the sume of Two Hundred Fifty Thousand Dollars (\$250,000) conditioned to save harmless the City of Cambridge from all claims for damages arising from the construction, maintenance and use of said ducts as authorized under this Order. Said bond to be satisfactory in form to the City Solicitor and approved by the City Manager.

Provided: Further that the permit or license hereby granted shall be subject to revocation at any time at the pleasure of the City Council for the time being.

FURTHER ORDERED:

That the City Council concurs in the attached form of license, entitled "Form of License to be Granted by Cambridge Redevelopment Authority to Cambridge Steam Corporation to Lay, Maintain and Use Steam Lines in Authority-Owned Land".

CAMBRIDGE REDEVELOPMENT AUTHORITY

FORM OF LICENSE

KNOW ALL MEN BY THESE PRESENTS, that CAMBRIDGE REDEVELOPMENT AUTHORITY, a public body politic and corporate, organized under Massachusetts law and located in the City of Cambridge, Massachusetts (hereinafter, together with its successors and assigns, called the "AUTHORITY"), does hereby grant to CAMBRIDGE STEAM CORPORATION, a Massachusetts corporation with a usual place of business in said Cambridge (hereinafter, together with its successors and assigns, called the "STEAM CORPORATION"), a license to lay, maintain and use two sixteen inch diameter welded steel steam lines and one six inch welded steel condensate return line, all to be insulated and enclosed in a duct approximately sixty-six inches by thirty-six inches, with the necessary manholes and service connections under a strip of land feet in width and as shown on a plan annexed hereto and entitled "Cambridge Steam Corporation, Proposed Steam Lines", dated , 1978", upon the terms and conditions hereinafter set forth, all of which by the acceptance hereof the STEAM CORPORATION covenants and agrees to keep, abide by and perform.

Reserving unto the AUTHORITY, the right to use, for landscaping, other utility services and other purposes, the land and soil over, under and surrounding said steam lines and ducts. Steam lines and ducts shall be installed at all times at locations sufficiently beneath the surface of the land so as not to interfere with the use of such land by others, including the construction and use thereof as a public way and so as not to prevent ingress and egress to and from land presently owned by the AUTHORITY.

FIRST: Except in the case of emergencies, the STEAM CORPORATION shall, before entering upon any land of the AUTHORITY pursuant to the license granted hereby, give written or telegraphic notice of the time and place of its proposed entry and of the proposed work, at least three (3) business days in advance, to the AUTHORITY at its principal office in Cambridge, Massachusetts. Before proceeding to excavate for the purpose of constructing said steam lines or ducts, as hereby authorized, the STEAM CORPORATION shall file with the Cambridge City Clerk a satisfactory surety company bond in the sum of Two Hundred and Fifty Thousand Dollars (\$250,000) and naming the AUTHORITY and the City of Cambridge, and each of them an obligee, conditioned to save harmless the AUTHORITY and the City of Cambridge from all claims for damages arising from the laying, maintenance and use of said steam lines, ducts and other facilities as authorized herein. Said bond shall be satisfactory in form to

the City Solicitor and approved by the Cambridge City Manager. The STEAM CORPORATION shall, after doing any work hereunder, restore the premises of the AUTHORITY to the same or as good a condition as they were in prior to the commencement of the doing of said work.

SECOND: The work, including work in any street, shall not be unnecessarily delayed nor shall the public travel be unnecessarily interfered with during the work. The amount of space, time, manner, etc. of occupation of any street shall be arranged with the Commissioner of Public Works of Cambridge.

THIRD: All work of relaying, reconstructing and repairing any sewer, sewer construction, appurtenance or fixture, shall be done as directed by the City Engineer of Cambridge and to his entire satisfaction and acceptance.

FOURTH: The relaying and reconstruction of water pipes and service connections, if any, shall be done in a manner satisfactory to the Cambridge Water Board.

FIFTH: In relaying, supporting or repairing gas pipes, electric conduits or other structures not belonging to the City of Cambridge the STEAM CORPORATION shall make adequate and satisfactory arrangements with the several companies whose structures may be affected by the construction of the steam lines, ducts or other facilities.

SIXTH: The refilling and replacing of the material around and over the steam lines and ducts shall be done so as to prevent, as far as possible, all settlement of the surface. The surface of any public streets which have been disturbed or injured by the construction of the steam lines or ducts are to be repaired and repaved, in a first class manner, with the same class of pavement that existed on the streets before the work was begun. All such work of repairing and repaving shall be done by the Public Works Department of the City of Cambridge at the expense of the STEAM CORPORATION.

SEVENTH: During the progress of the construction of the steam lines or ducts, all sewer, water, gas and electric services must be maintained by the contractor to supply the wants of the abutters upon the streets if they so request.

EIGHTH: If at any time the Cambridge City Council shall decide that in its opinion public necessity and convenience require that the steam lines or ducts be altered or otherwise changed in its location, the STEAM CORPORATION, on receiving due and proper notice

from the City Council defining and requiring such alterations as it desires, shall at once and at its own expense cause such alterations to be made.

NINTH: The license hereby granted shall be subject to revocation at any time at the pleasure of the Cambridge City Council for the time being.

TENTH: All work to be done by the STEAM CORPORATION, or its contractors, agents or servants, in connection with the laying, maintenance or use of any of its facilities shall be done at the sole risk and expense of the STEAM CORPORATION.

ELEVENTH: During the doing of any work hereunder and so long as any steam lines, ducts or facilities of the STEAM CORPORATION are located in or under any of the land herein mentioned, the STEAM CORPORATION, and its contractors, agents or servants, at their own cost and expense shall install and maintain or arrange to install and maintain such protective devices and take and observe any and all precautions which may be required to provide reasonable assurances of safety and protection to persons and property in accordance with applicable laws, codes and regulations.

TWELFTH: The STEAM CORPORATION SHALL at all times hereafter indemnify and save harmless the AUTHORITY from and against any and all injury, damages, losses, claims, demands, suits, costs or expenses which the AUTHORITY may suffer, sustain or be subject to, directly or indirectly, caused either wholly or in part by reason of the laying, maintenance or use of any said steam lines, ducts or facilities of the STEAM CORPORATION except damages caused solely by the negligence of the AUTHORITY, its agents, officers and employees.

The STEAM CORPORATION further hereby assumes all risk of, and shall and hereby does indemnify and save harmless the AUTHORITY from, all loss, damage or injury to all property, and all structures, equipment, facilities, appliances or appurtenances situated upon the property, of the AUTHORITY occasioned by or arising from or connected with the performance of any acts permitted pursuant to this license, except damages willfully or negligently caused by the AUTHORITY, its agents, officers and employees.

THIRTEENTH: Title to all facilities of the STEAM CORPORATION, or any part thereof, located in or under land of the AUTHORITY shall at all times be and remain in the STEAM CORPORATION.

FOURTEENTH: The STEAM CORPORATION shall at all times conduct its operations pursuant to this license in conformity with the requirements of each Federal, State, municipal or other public authority having jurisdiction in the premises.

FIFTEENTH: The STEAM CORPORATION hereby further agrees that no other or greater vested right, interest, estate, easement or other tenure in the premises of the AUTHORITY than expressed herein shall be deemed to be granted or created hereby, nor shall the use of said premises, however extended, by the STEAM CORPORATION be deemed to create or vest in the STEAM CORPORATION any other or greater right in respect to said premises than expressed herein.

SIXTEENTH: The STEAM CORPORATION shall not assign this license without in each instance the prior written permission of the AUTHORITY. The covenants herein contained shall run with the land and shall inure to the benefit of and be binding upon the parties hereto and their respective successors and assigns.

WITNESS the execution hereof under seal the _____ day
of _____, 1978.

ATTEST:

CAMBRIDGE REDEVELOPMENT AUTHORITY

Secretary

By _____
(Title)

ATTEST

CAMBRIDGE STEAM CORPORATION

Clerk

By _____
(Title)

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss.

, 1978

Then personally appeared the above-named
and acknowledged the foregoing instrument to be the free act and
deed of Cambridge Redevelopment Authority, before me

(SEAL)

Notary Public
My commission expires:



CITY OF CAMBRIDGE

CAMBRIDGE, MASSACHUSETTS 02139
Tel. 876-6800

EXECUTIVE DEPARTMENT
JAMES L. SULLIVAN
City Manager

November 20, 1978

To the Honorable, the City Council:

Re: Notice of Public Hearing on Steam Line Permit Revocation and Removal from former Potter Street and former Fulkerson (former Ninth) Street and to Authorize a similar Permit in Sixth Street between Potter and Binney Street, all within the Kendall Square Urban Renewal Area

By Order dated June 26, 1978, the Cambridge City Council requested that the City Manager "take appropriate and necessary action in consultation with the Cambridge Redevelopment Authority toward the removal and relocation of the underground steam line of the Cambridge Steam Corporation to the extent it may interfere with the proposed development of the Kendall Square Urban Renewal Area."

The Steam Corporation has been aware of the revocable nature of its 1945 permit and has been apprised of the June, 1978 Order of the City Council. It is imperative that the steam line be removed from Potter Street before the start of the 1979 construction season.

Accordingly, I recommend that the City Council take steps to revoke the existing permit of the Steam Corporation for the steam lines in Potter Street west of Sixth Street and in Fulkerson (former Ninth) Street, in the Kendall Square Urban Renewal Area, as of March 15, 1979.

Before the City Council may act to revoke the existing permit and to order the removal of the steam lines, it must hold a public hearing, after giving due and proper notice thereof. Accordingly, it is recommended that the City Council hold a public hearing on

December 11, 1978 to consider and act upon (a) the matter of the revocation, as of March 15, 1979, of the permit of Cambridge Steam Corporation to lay, maintain and use steam lines in Potter Street west of Sixth Street and in Fulkerson (former Ninth) Street, and (b) the matter of the removal of the steam lines and related facilities and connections of Cambridge Steam Corporation from said portion of Potter Street, no later than March 15, 1979.

The Public Works Commissioner of the City of Cambridge has considered and has no objection to a number of other possible routes for the steam lines which would not interfere with the proposed development of the Kendall Square Urban Renewal Area. One such route would involve the public portion of Sixth Street, between Potter and Binney Streets. Accordingly, I further recommend that the public hearing also consider the matter of the authorization of the grant of a permit to Cambridge Steam Corporation to lay, maintain and use steam lines in Sixth Street, between Potter and Binney Streets.

I understand that other possible routes would involve the use of Cambridge Redevelopment Authority-owned land, some of which may in the future become parts of public ways. I also understand that the Authority is willing to enter into appropriate arrangements for licenses for this purpose, and the City Solicitor does not have any objection to the form of license proposed by the Authority. Since the location of such routes may later become public ways, I recommend that the City Council concur in the Authority's proposed form of license, a copy of which is transmitted herewith.

Very truly yours,

James L. Sullivan
City Manager

JLS/b
Enclosure

HISTORY OF THE STEAMLINE IN POTTER STREET

On December 17, 1945, the City Council authorized the granting to Cambridge Steam Corporation of a license or permit to lay, maintain and use steam lines in Potter Street west of Sixth Street, and in Fulkerson (former Ninth) Street locations which are now located within Parcel 2 of the Kendall Square Urban Renewal Area, and in a portion of Binney Street. A steam line installed in the Potter Street location pursuant to the permit is currently in place and used to transmit steam across a portion of Parcel 2 to Steam Corporation customers west of the Project area.

The 1945 Order further authorized a similar permit in Fulkerson (former Ninth) Street from Potter Street to Binney Street and also in Binney Street from Ninth Street westerly approximately 500 feet. There is no steam line installed in either Fulkerson Street (which is within Parcel 2) or in Binney Street at the present time.

The City Council Order authorizing the Steam Corporation license expressly provided that such license was "subject to revocation at any time at the pleasure of the City Council for the time being". It also provided that "if at any time the City Council shall decide that in its opinion public necessity and convenience require that the [steam] ducts be altered or otherwise changed in its location, the said Cambridge Steam Corporation on receiving such alterations as it desires, shall at once and at its own expense, cause such alterations to be made".

Dec 4/1978 Dec Ag 5

Dec 14 1978 on Same Topic.

RE: Notice of Public Hearing re: steam line
permit revocation and removal within Potter St.
and grant of a permit in Sixth St. all within
the Kendall Square Urban Renewal Area.

Amendment
"OR OTHER POSITION"

added by E. Funder
after the word
Charitable in last
Paragraph and
In City Council,
10/11/78 Dec Agenda #8
of Dec 11/78
Hearing let for

12/11/78 at

5 PM with

AMENDMENT BY

E. Funder Reader

OF MEETING

12/11/78 Hearing held -
Agenda 5 Dec #8 Dec 11 Change
Agenda



City of Cambridge

12/11/78
Adopt
this
- order only -

IN CITY COUNCIL

December 11, 1978

CITY COUNCIL ORDER REVOKING STEAM LINE PERMIT

WHEREAS:

A communication has been received from the City Manager requesting that the City Council revoke the permit authorized by a City Council Order, adopted December 17, 1945 and granted to Cambridge Steam Corporation, to lay, maintain and use steam lines in former Potter Street west of Sixth Street and in former Fulkerson (former Ninth) Street; and

WHEREAS:

A public hearing, after due and proper notice, has been held with respect to this matter;

THEREFORE BE IT ORDERED:

That the permit authorized by a City Council Order, adopted December 17, 1945 and granted to Cambridge Steam Corporation to lay, maintain and use steam lines in former Potter Street west of Sixth Street and in former Fulkerson (former Ninth) Street, be and hereby is revoked, as of March 15, 1979.

CP

PUBLICATIONS - Steam lines

City of Cambridge

IN CITY COUNCIL
November 20, 1978

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held by the Cambridge City Council in its Chamber, Cambridge City Hall, 795 Massachusetts Avenue, Cambridge, Massachusetts, at 8:00 P.M. (EST), on December 11, 1978, to consider and act upon (a) the matter of the removal of the steam lines and related facilities and connections of Cambridge Steam Corporation from Potter Street west of Sixth Street and the revocation of the permit authorized by a City Council Order adopted December 17, 1945 and granted to Cambridge Steam Corporation to lay, maintain and use steam lines in said portion of Potter Street and in Fulkerson (former Ninth) Street, (b) the matter of the authorization of the grant to Cambridge Steam Corporation of a permit to lay, maintain and use steam lines in an alternative location in Sixth Street between Potter and Binney Streets, and (c) such other matters as may properly come before the City Council.

Plans showing the approximate location of the existing steam lines in Potter Street west of Sixth Street and the possible alternative relocations, and a proposed Form of License or Permit will be available for examination in the office of the City Clerk, Cambridge City Hall, Cambridge, Massachusetts prior to the hearing.

By Order of the City Council,
Paul E. Healy, City Clerk

PUBLISHED IN:

Boston Herald American

DATE:

Saturday, November 25, 1978

EDITION:

Cambridge - Somerville Page



City of Cambridge

IN CITY COUNCIL
December 11, 1978

CITY COUNCIL ORDER AUTHORIZING GRANT OF NEW PERMIT AND CONCURRING IN FORM OF LICENSE BY CAMBRIDGE REDEVELOPMENT AUTHORITY

WHEREAS:

The City Council has revoked the permit authorized by a City Council Order, adopted December 17, 1945, granting to Cambridge Steam Corporation the license to lay, maintain and use steam lines in Potter Street west of Sixth Street and in Fulkerson (former Ninth) Street;

WHEREAS:

There are a number of alternative routes in which the steam lines can be located; and in connection therewith the City Manager has recommended that the City Council authorize the grant to Cambridge Steam Corporation of a permit to lay, maintain and use steam lines in Sixth Street between Potter and Binney Streets, and the Cambridge Redevelopment Authority has indicated its willingness to grant a license to the Steam Corporation to lay, maintain and use steam lines in any alternative location agreed upon by the Authority and the Steam Corporation in land owned by the Authority in lieu of present locations; and

WHEREAS:

A public hearing, after due and proper notice, has been held with respect to these matters;

THEREFORE BE IT ORDERED:

That the Commissioner of Public Works be authorized, under the provisions of the City Ordinances, to grant at any time within one year from the date of this Order to Cambridge Steam Corporation a permit or license to lay, maintain and use up to two sixteen inch diameter welded steel steam lines and one six inch welded steel condensate return line, all to be insulated and enclosed in a duct approximately sixty-six inches by thirty-six inches, with the necessary manholes and service connections in Sixth Street between Potter and Binney Streets.

All the above-mentioned lines to be located under sidewalks as shown on plan entitled: "Cambridge Steam Corporation, Proposed Steam Lines, Sixth Street", dated November 14, 1978, on file with this Order. Said permit or license to be granted upon or substantially upon the following conditions:

FIRST: The work in the street not to be unnecessarily delayed nor the public travel unnecessarily interfered with during the construction of the ducts. The amount of space, time, manner, etc. of occupation of the street to be arranged with the Superintendent of Public Works of Cambridge.

SECOND: All work of relaying, reconstructing and repairing any sewer, sewer construction, appurtenance or fixture, to be done as directed by the City Engineer of Cambridge and to his entire satisfaction and acceptance.

THIRD: The relaying and reconstruction of water pipes and service connections, if any, to be done in a manner satisfactory to the Cambridge Water Board.

FOURTH: In relaying, supporting or repairing gas pipes, electric conduits or other structures not belonging to the City of Cambridge, the Cambridge Steam Corporation is to make adequate and satisfactory arrangements with the several companies whose structures may be affected by the construction of the ducts.

FIFTH: The refilling and replacing of the material around and over the ducts to be done so as to prevent, as far as possible, all settlement of the surface. The surface of the public streets which have been disturbed or injured by the construction of the ducts are to be repaired and repaved, in a first class manner, with the same class of pavement that existed on the street before the work was begun. All such work of repairing and repaving to be done by the Public Works Department of the City of Cambridge at the expense of the Cambridge Steam Corporation.

SIXTH: During the progress of the construction of the ducts, all sewer, water, gas and electric services must be maintained by the contractor to supply the wants of the abutters upon the street if they so request.

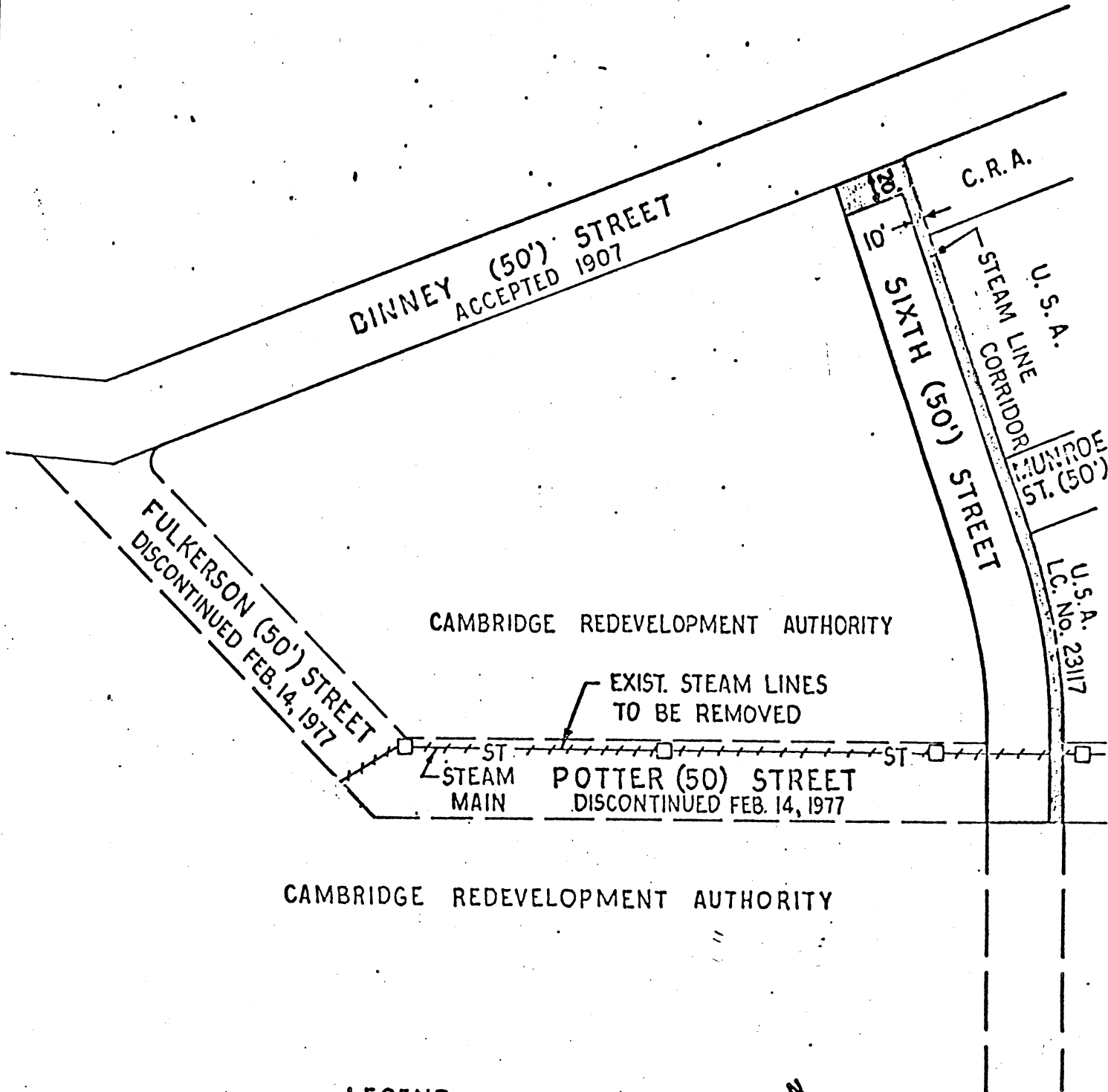
SEVENTH: If at any time the City Council shall decide that in its opinion public necessity and convenience require that the ducts be altered or otherwise changed in its location, the said Cambridge Steam Corporation on receiving due and proper notice from the City Council defining and requiring such alterations as it desires, shall at once and at its own expense, cause such alterations to be made.

Provided: That, before proceeding to excavate for the purpose of constructing said ducts, as hereby authorized, the licensee shall file with the City Clerk a satisfactory bond in the sum of Two Hundred Fifty Thousand Dollars (\$250,000) conditioned to save harmless the City of Cambridge from all claims for damages arising from the construction, maintenance and use of said ducts as authorized under this Order. Said bond to be satisfactory in form to the City Solicitor and approved by the City Manager.

Provided: Further that the permit or license hereby granted shall be subject to revocation at any time at the pleasure of the City Council for the time being.

FURTHER ORDERED:

That the City Council concurs in a form of license in or substantially in the attached form of license, entitled "Form of License to be Granted by Cambridge Redevelopment Authority to Cambridge Steam Corporation to Lay, Maintain and Use Steam Lines in Authority-Owned Land."



LEGEND

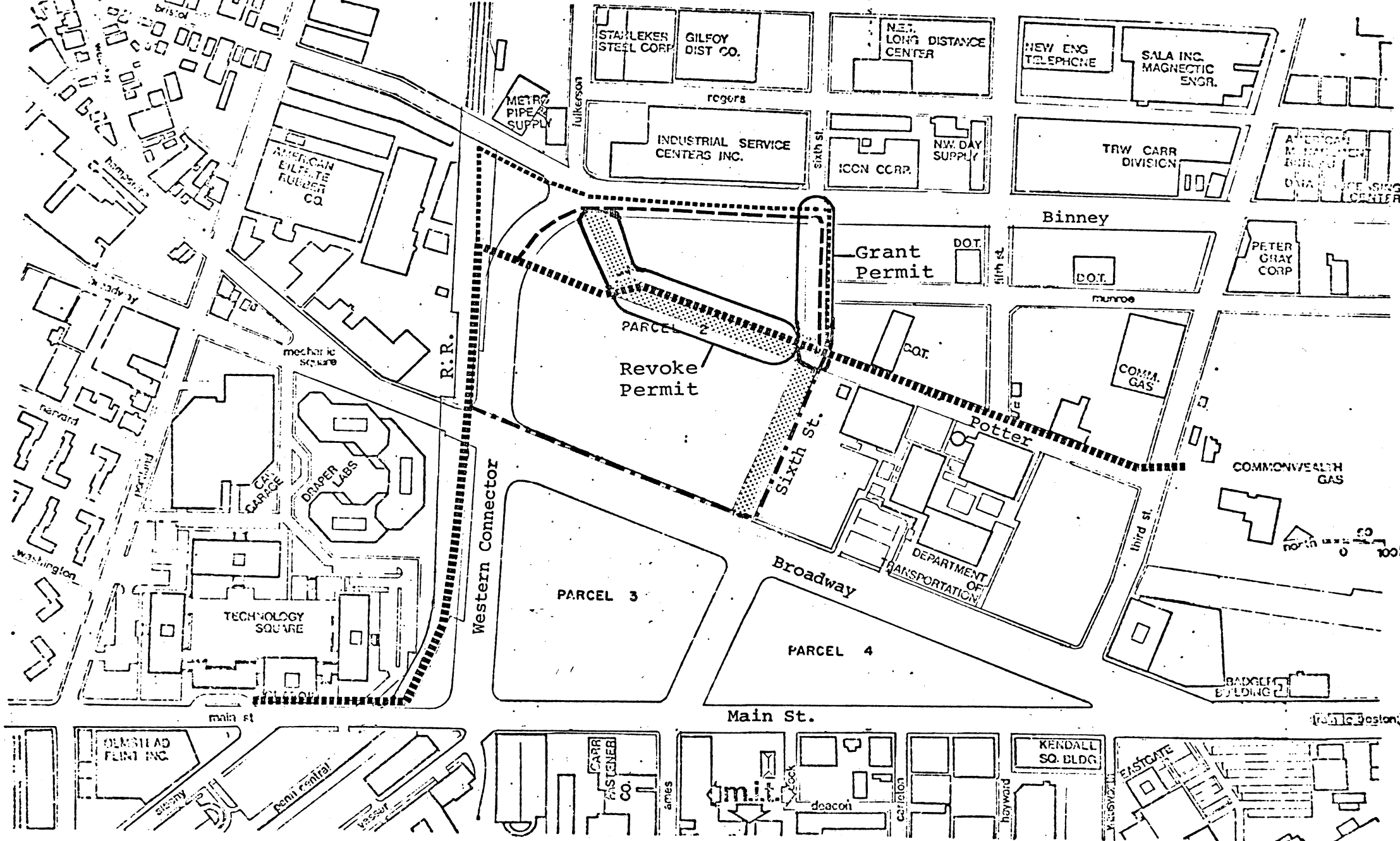
- EXIST. STEAM MAIN
TO BE REMOVED
- EXIST. STEAM MAIN
TO REMAIN

NOTE:

SHADED AREA INDICATES
PROPOSED STEAM LINE
CORRIDOR



CAMBRIDGE REDEVELOPMENT AUTHORITY	
KENDALL SQUARE URBAN RENEWAL AREA PROJECT NO. MASS. R-107	
CAMBRIDGE STEAM CORPORATION PROPOSED STEAM LINE SIXTH STREET	
PREPARED BY FAY, SPOFFORD & THORNDIKE, INC., ENGINEERS, BOSTON, MASS.	
SCALE IN FEET	0 50 100
NOV. 14, 1978	





CITY OF CAMBRIDGE

147 HAMPSHIRE ST., CAMBRIDGE, MASSACHUSETTS 02139 • TEL. 492-7450

PUBLIC WORKS DEPARTMENT

Conrad C. Fagone

Commissioner

November 17, 1978

Robert Rowland
Executive Director
Cambridge Redevelopment Authority
336 Main Street
Cambridge, Massachusetts 02142

Re: Review and Concurrence in Cambridge Steam Corporation
Alternatives in the Kendall Square Urban Renewal Area

Dear Mr. Rowland:

I have reviewed all materials related to the termination by the City of Cambridge of the temporary permit granted to the Cambridge Steam Corporation. I have also reviewed the illustrative drawing dated September 8, 1978, prepared by Authority Engineers, Fay Spofford & Thorndike entitled, "Steam Main Relocation Alternatives".

After such reviews, this is to inform you that as Commissioner of Public Works of the City of Cambridge, I interpose no objection to the alternative which utilizes Sixth Street between Potter and Binney Streets, nor to any of the alternatives which would involve the use of land presently owned by the Authority and which, in the future, may become parts of public ways.

I understand that this matter will be acted upon by the City Council. If required, I will be available to state my recommendation as outlined above.

Very truly yours,

Conrad C. Fagone
Commissioner

CCF/ho'



CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

• (617) 876-6800

LAW DEPARTMENT

RUSSELL B. HIGLEY
CITY SOLICITOR

RUSSELL B. HIGLEY

EDWARD A. CUNNINGHAM
ANDREW T. TRODDEN
LEGAL COUNSEL

CHARLES A. WATSON
LEGISLATIVE AGENT

November 17, 1978

Mr. Robert F. Rowland
Executive Director
Cambridge Redevelopment Authority
336 Main Street
Cambridge, Massachusetts 02142

Re: Review and Approval of Proposed Form of Agreement(s)
with the Cambridge Steam Corporation in the Kendall
Square Urban Renewal Area

Dear Mr. Rowland:

I have reviewed the enclosed form of license agreement by and between the Cambridge Redevelopment Authority and the Cambridge Steam Corporation and interpose no objection. It is in such a form which I would approve in the event that a substantially similar agreement would be required by and between the City of Cambridge and the Corporation.

Sincerely yours,

Russell B. Higley
City Solicitor

RBH:ehb
Enclosure



City of Cambridge

MASSACHUSETTS

OFFICE OF THE
POLE AND CONDUIT COMMISSION

December 6, 1978

James L. Sullivan
City Manager
City of Cambridge

Dear Mr. Sullivan:

The Pole and Conduit Commission has no objection to revocation by the City Council of Cambridge Steam Corporation's permit to run steam lines through former Potter Street, west of Sixth Street, and former Fulkerson (former Ninth) Street. Also, the Commission does not object to the grant of a permit to the Cambridge Steam Corporation to run steam lines in Sixth Street, between Potter and Binney Street.

The Commission does not object to alternative routes for the steam line as shown on the attached map entitled "Steamline Relocation Alternatives."

Very truly yours,

Mary E. Calnan

Mary E. Calnan
Chairman

MEC:pmo

NEGEA Service Corporation

of New England Gas and Electric Association



POST OFFICE BOX 190 • CAMBRIDGE, MASSACHUSETTS 02139 • AREA CODE 617 864-3100

December 8, 1978

Cambridge Redevelopment Authority
336 Main Street
Cambridge, MA 02142

Attention: Tad Tercyak, Deputy Director

Subject: Steam Line Relocation
Potter Street

During my meeting With you on December 5, 1978, you requested a statement from us which would describe our preference for a route for the steam line. As I stated, we prefer to relocate the line under the fire lane to Broadway, in the Broadway utility bay to the Western Connector and across the Western Connector to our manhole #K-29.

During our meeting, we also discussed future expansion of steam service and at this time we request that space be reserved in the Broadway utility bay for our steam and condensate lines from Sixth Street to Third Street. This action will ensure steam service for future customers in the triangle.

I also enclose a statement which we are making to the City Council which summarizes our position in respect to the proposed relocation. As stated, the Authority has failed to make provision for relocation payments to us, has failed to negotiate acquisition of real estate rights and failed to make provisions for proper land rights in the event of relocation, all in violation of Federal and State law. We therefore feel that any delay in relocation, which seems now to be inevitable, will be the fault of the Cambridge Redevelopment Authority.

Yours very truly,

John M. Powers
Director of Engineering

JMP:JMC
Enclosure

STATEMENT OF CAMBRIDGE STEAM CORPORATION
TO CITY OF CAMBRIDGE RE
PROPOSED REVOCATION OF
STEAM LINE LICENSE

My name is Harold Dondis and I am appearing as attorney for Cambridge Steam Corporation. I have with me Mr. Jeremiah Donovan, Vice President of Cambridge Steam and John Powers, Chief Mechanical Engineer of NEGEA Service Corporation who are available for questions.

This hearing relates to the proposed revocation by Cambridge of a license to Cambridge Steam to occupy a portion of an area in old Potter Street. I wish to register opposition to this revocation and ask as well the support of the City Council in our request that the Cambridge Redevelopment Authority comply with Federal and State law in negotiating with Cambridge Steam to acquire land rights, in reimbursing Cambridge Steam for relocation costs and in joining with the City of Cambridge to give Cambridge Steam proper land rights for the relocated line.

The present hearing relates only to a portion of this line that needs to be relocated from old Potter Street. I am advised that the City no longer owns title to this street. Another portion of the pipeline was laid pursuant to a private easement over which the City has no control.

Cambridge Redevelopment has submitted to us a number of alternative routes, and we have indicated that we prefer to relocate the line under the fire lane to Broadway, in the Broadway utility bay to the Western Connector to our manhole #K-29. We have also requested that space be reserved in the Broadway utility bay for our steam and condensate lines from Sixth Street to Third Street, in order to ensure steam service for future customers in the triangle. Mr. Powers can go over this route with you if you wish.

Cambridge Steam is greatly disturbed that Cambridge Redevelopment Authority has ignored all requests by the Steam Company to negotiate with respect to acquisition from Cambridge Steam of land rights and payment of relocation costs. The Federal Relocation Act (42 U.S. Code Sec. 4601 et. seq.) clearly provides for payment of relocation costs in this situation and as well requires Cambridge Redevelopment to negotiate with respect to acquisition of land rights. State law (Mass. Gen. Laws C.79A, Sec.7) also requires reimbursement in this situation. We are also protected by the State and Federal Constitution from the taking of our easement without compensation. Yet, despite our legal rights, the Redevelopment Authority has refused to answer our letters or calls on these matters or to negotiate with us. In view of this high-handed treatment, we ask the Cambridge City Council to hold any action on this matter and to use its good auspices with The Cambridge Redevelopment Authority to deal with Cambridge Steam as required by law.

In view of the dereliction of the Cambridge Redevelopment Authority, we cannot be responsible for delays in their project in relocation of our lines. We should note that the Cambridge Redevelopment Authority itself is dependent on this line for heat as are a number of substantial industries in the area, and cessation of operations while the line is relocated is out of the question.

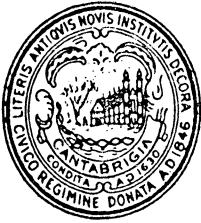
We also have some difficulties with the form of License that has been tendered to us, and we would be glad to discuss them with counsel for the City of Cambridge at an early date.

I thank you for your attention.

cc of statement to: Russell Higley, City Solicitor

T. Tercyak, Deputy Director
Cambridge Redevelopment Authority

James L. Sullivan, City Manager
City of Cambridge



CITY OF CAMBRIDGE

CAMBRIDGE, MASSACHUSETTS 02139
Tel. 876-6800

EXECUTIVE DEPARTMENT
JAMES L. SULLIVAN
City Manager

December 11, 1978

To The Honorable, The City Council:

I am forwarding for your consideration following the December 11, 1978 hearing on matters related to operations of the Cambridge Steam Corporation within former public ways in the Kendall Square Urban Renewal Area two orders to be acted upon as follows:

The first order provides that the permit authorized by a City Council Order, adopted December 17, 1945, granting to Cambridge Steam Corporation the license to lay, maintain and use steam lines in Potter Street west of Sixth Street and in Fulkerson (former Ninth) Street, be revoked as of March 15, 1979. That permit expressly stated that it is "subject to revocation at any time at the pleasure of the City Council for the time being."

If potential developers of Parcel 2 in the Kendall Square Urban Renewal Area are to be able to begin construction in early 1979, it is imperative that the license to lay, maintain and use these steam lines be terminated by March 15, 1979 because site excavations for a new building must begin at that time. Consequently, it is recommended that Council adopt the first order forwarded herewith immediately after the hearing.

The second order forwarded herewith deals with possible alternatives for location of the steam lines and provides:

- (1) That the Commissioner of Public Works be authorized to grant to Cambridge Steam Corporation at any time within one year from date of the order a new permit or license to lay, maintain and use steam lines in Sixth Street between Potter and Binney Street; and
- (2) That the City Council concur in a form of license to be granted by Cambridge Redevelopment Authority to Cambridge Steam Corporation to lay, maintain and use steam lines in Authority-owned land in or substantially in the form presented to the Council.

I am submitting a map entitled, "Steamline Alternatives" which shows the streets affected by the revocation of the existing permit and possible steam line alternatives which would allow a reconnection of the steam line so that steam service can be continued to steam users without interruption. I am also submitting a draft form of license to be granted by Cambridge Redevelopment Authority to Cambridge Steam Corporation to lay, maintain and use steam lines in Authority-owned land. Since the Authority-owned land which may be used for steam line operations may eventually be transferred to the City as a possible right-of-way, it is desirable that the City Council express its concurrence in the use of a license in or substantially in such form.

In addition, I am submitting:

(1) Letter from the Commissioner of Public Works stating that he interposes no objections to the proposed steamline alternative routes.

(2) Letter from the City Solicitor stating that the proposed form of license agreement between the Authority and Corporation is in such a form which he would approve in the event that a substantially similar agreement is required.

(3) Letter from the Pole and Conduit Commission stating that the Commission does not object to the permit revocation, nor to the grant of permit, as proposed herein, nor to the steamline alternative routes as shown on the enclosed map.

At the present time, it is my understanding that no decision has been made by the parties concerned as to the exact site of the alternative location or to the specifications of the steam lines or ducts to be installed. Under these circumstances I recommend that the City Council temporarily defer formal action on the second order to enable the parties to confer and reach appropriate agreements. I personally urge the parties to meet and reach agreement at the earliest date.

Very truly yours,

James L. Sullivan
City Manager

JLS/b
Enclosures

NEGEA Service Corporation

of New England Gas and Electric Association



POST OFFICE BOX 190 • CAMBRIDGE, MASSACHUSETTS 02139 • AREA CODE 617 864-3100

December 8, 1978

Cambridge Redevelopment Authority
336 Main Street
Cambridge, MA 02142

Attention: Tad Tercyak, Deputy Director

Subject: Steam Line Relocation
Potter Street

During my meeting with you on December 5, 1978, you requested a statement from us which would describe our preference for a route for the steam line. As I stated, we prefer to relocate the line under the fire lane to Broadway, in the Broadway utility bay to the Western Connector and across the Western Connector to our manhole #K-29.

During our meeting, we also discussed future expansion of steam service and at this time we request that space be reserved in the Broadway utility bay for our steam and condensate lines from Sixth Street to Third Street. This action will ensure steam service for future customers in the triangle.

I also enclose a statement which we are making to the City Council which summarizes our position in respect to the proposed relocation. As stated, the Authority has failed to make provision for relocation payments to us, has failed to negotiate acquisition of real estate rights and failed to make provisions for proper land rights in the event of relocation, all in violation of Federal and State law. We therefore feel that any delay in relocation, which seems now to be inevitable, will be the fault of the Cambridge Redevelopment Authority.

Yours very truly,

John M. Powers
Director of Engineering

JMP:JMC
Enclosure

STATEMENT OF CAMBRIDGE STEAM CORPORATION
TO CITY OF CAMBRIDGE RE
PROPOSED REVOCATION OF
STEAM LINE LICENSE

My name is Harold Dondis and I am appearing as attorney for Cambridge Steam Corporation. I have with me Mr. Jeremiah Donovan, Vice President of Cambridge Steam and John Powers, Chief Mechanical Engineer of NEGEA Service Corporation who are available for questions.

This hearing relates to the proposed revocation by Cambridge of a license to Cambridge Steam to occupy a portion of an area in old Potter Street. I wish to register opposition to this revocation and ask as well the support of the City Council in our request that the Cambridge Redevelopment Authority comply with Federal and State law in negotiating with Cambridge Steam to acquire land rights, in reimbursing Cambridge Steam for relocation costs and in joining with the City of Cambridge to give Cambridge Steam proper land rights for the relocated line.

The present hearing relates only to a portion of this line that needs to be relocated from old Potter Street. I am advised that the City no longer owns title to this street. Another portion of the pipeline was laid pursuant to a private easement over which the City has no control.

Cambridge Redevelopment has submitted to us a number of alternative routes, and we have indicated that we prefer to relocate the line under the fire lane to Broadway, in the Broadway utility bay to the Western Connector to our manhole #K-29. We have also requested that space be reserved in the Broadway utility bay for our steam and condensate lines from Sixth Street to Third Street, in order to ensure steam service for future customers in the triangle. Mr. Powers can go over this route with you if you wish.

Cambridge Steam is greatly disturbed that Cambridge Redevelopment Authority has ignored all requests by the Steam Company to negotiate with respect to acquisition from Cambridge Steam of land rights and payment of relocation costs. The Federal Relocation Act (42 U.S. Code Sec. 4601 et. seq.) clearly provides for payment of relocation costs in this situation and as well requires Cambridge Redevelopment to negotiate with respect to acquisition of land rights. State law (Mass. Gen. Laws C.79A, Sec.7) also requires reimbursement in this situation. We are also protected by the State and Federal Constitution from the taking of our easement without compensation. Yet, despite our legal rights, the Redevelopment Authority has refused to answer our letters or calls on these matters or to negotiate with us. In view of this high-handed treatment, we ask the Cambridge City Council to hold any action on this matter and to use its good auspices with The Cambridge Redevelopment Authority to deal with Cambridge Steam as required by law.

In view of the dereliction of the Cambridge Redevelopment Authority, we cannot be responsible for delays in their project in relocation of our lines. We should note that the Cambridge Redevelopment Authority itself is dependent on this line for heat as are a number of substantial industries in the area, and cessation of operations while the line is relocated is out of the question.

RECEIVED

DEC 11 9 16 AM '78

OFFICE OF THE
CITY MANAGER

We also have some difficulties with the form of License that has been tendered to us, and we would be glad to discuss them with counsel for the City of Cambridge at an early date.

I thank you for your attention.

cc of statement to: Russell Higley, City Solicitor

T. Tercyak, Deputy Director
Cambridge Redevelopment Authority

James L. Sullivan, City Manager
City of Cambridge

City of Cambridge

MASSACHUSETTS

In City Council

Dec. 18, 1978

Ordinance #5

MOTION BY LOONICUS LEONE

	YEA	NAY	ABSENT	PRESENT
Mr. Crane	✓			
Mr. Duehay	✓			
Mr. Frisoli	✓			
Ms. Graham	✓			
Ms. Preusser	✓			
Mr. Sullivan		✓		
Mr. Vellucci	✓			
Mr. Wylie	✓			
Mayor Danahy			✓	

7

1

1

Order
marked "A"
Adopted

L. Leone



Not Acted Upon

City of Cambridge

IN CITY COUNCIL
December 11, 1978

CITY COUNCIL ORDER (1) REVOKING STEAM LINE PERMIT AND ORDERING REMOVAL OF STEAM LINES, (2) AUTHORIZING GRANT OF NEW PERMIT, AND (3) CONCURRING IN FORM OF LICENSE BY CAMBRIDGE REDEVELOPMENT AUTHORITY

WHEREAS:

A communication has been received from the City Manager requesting that the City Council revoke the permit authorized by a City Council Order, adopted December 17, 1945 and granted to Cambridge Steam Corporation, to lay, maintain and use steam lines in Potter Street west of Sixth Street and in Fulkerson (former Ninth) Street and order the removal of existing steam lines and related facilities and connections from said portion of Potter Street; and

WHEREAS:

There are a number of alternative routes in which the steam lines can be located; and in connection therewith the City Manager has recommended that the City Council authorize the grant to Cambridge Steam Corporation of a permit to lay, maintain and use steam lines in Sixth Street between Potter and Binney Streets, and the Cambridge Redevelopment Authority has indicated its willingness to grant a license to the Steam Corporation to lay, maintain and use steam lines in any alternative location agreed upon by the Authority and the Steam Corporation in land owned by the Authority in lieu of present locations; and

WHEREAS:

A public hearing, after due and proper notice, has been held with respect to these matters; and

WHEREAS:

The City Council does hereby find and decide that public convenience and necessity require that the steam lines be changed and altered in their locations;

THEREFORE BE IT ORDERED:

That the permit authorized by a City Council Order, adopted December 17, 1945 and granted to Cambridge Steam Corporation to lay, maintain and use steam lines in former Potter Street west of Sixth Street and in former Fulkerson (former Ninth) Street, be and hereby is revoked, as of March 15, 1979;

FURTHER ORDERED:

That Cambridge Steam Corporation be and hereby is ordered to remove, no later than March 15, 1979, its steam lines and related facilities and connections from former Potter Street west of Sixth Street;

FURTHER ORDERED:

That the Commissioner of Public Works be authorized, under the provisions of the City Ordinances, to grant at any time within one year from the date of this Order to Cambridge Steam Corporation a permit or license to lay, maintain and use up to two sixteen inch diameter welded steel steam lines and one six inch welded steel condensate return line, all to be insulated and enclosed in a duct approximately sixty-six inches by thirty-six inches, with the necessary manholes and service connections in Sixth Street between Potter and Binney Streets.

All the above-mentioned lines to be located under sidewalks as shown on plan entitled: "Cambridge Steam Corporation, Proposed Steam Lines, Sixth Street", dated November 14, 1978, on file with this Order. Said permit or license to be granted upon or substantially upon the following conditions:

FIRST: The work in the street not to be unnecessarily delayed nor the public travel unnecessarily interfered with during the construction of the ducts. The amount of space, time, manner, etc. of occupation of the street to be arranged with the Superintendent of Public Works of Cambridge.

SECOND: All work of relaying, reconstructing and repairing any sewer, sewer construction, appurtenance or fixture, to be done as directed by the City Engineer of Cambridge and to his entire satisfaction and acceptance.

THIRD: The relaying and reconstruction of water pipes and service connections, if any, to be done in a manner satisfactory to the Cambridge Water Board.

FOURTH: In relaying, supporting or repairing gas pipes, electric conduits or other structures not belonging to the City of Cambridge, the Cambridge Steam Corporation is to make adequate and satisfactory arrangements with the several companies whose structures may be affected by the construction of the ducts.

FIFTH: The refilling and replacing of the material around and over the ducts to be done so as to prevent, as far as possible, all settlement of the surface. The surface of the public streets which have been disturbed or injured by the construction of the ducts are to be repaired and repaved, in a first class manner, with the same class of pavement that existed on the street before the work was begun. All such work of repairing and repaving to be done by the Public Works Department of the City of Cambridge at the expense of the Cambridge Steam Corporation.

SIXTH: During the progress of the construction of the ducts, all sewer, water, gas and electric services must be maintained by the contractor to supply the wants of the abutters upon the street if they so request.

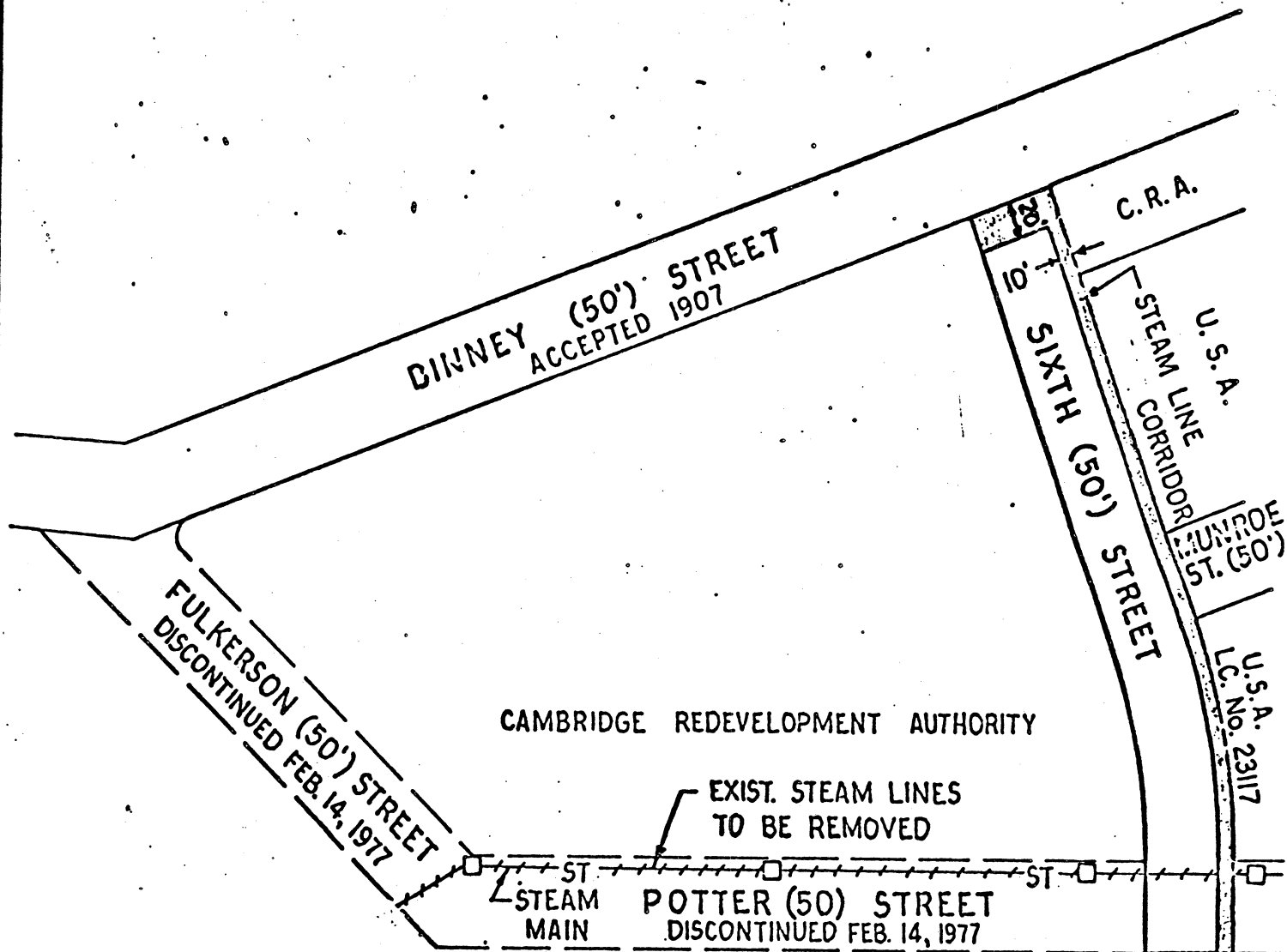
SEVENTH: If at any time the City Council shall decide that in its opinion public necessity and convenience require that the ducts be altered or otherwise changed in its location, the said Cambridge Steam Corporation on receiving due and proper notice from the City Council defining and requiring such alterations as it desires, shall at once and at its own expense, cause such alterations to be made.

Provided: That, before proceeding to excavate for the purpose of constructing said ducts, as hereby authorized, the licensee shall file with the City Clerk a satisfactory bond in the sum of Two Hundred Fifty Thousand Dollars (\$250,000) conditioned to save harmless the City of Cambridge from all claims for damages arising from the construction, maintenance and use of said ducts as authorized under this Order. Said bond to be satisfactory in form to the City Solicitor and approved by the City Manager.

Provided: Further that the permit or license hereby granted shall be subject to revocation at any time at the pleasure of the City Council for the time being.

FURTHER ORDERED:

That the City Council concurs in a form of license in or substantially in the attached form of license, entitled "Form of License to be Granted by Cambridge Redevelopment Authority to Cambridge Steam Corporation to Lay, Maintain and Use Steam Lines in Authority-Owned Land."



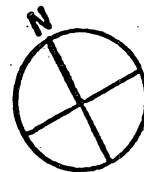
CAMBRIDGE REDEVELOPMENT AUTHORITY

LEGEND

-  EXIST. STEAM MAIN TO BE REMOVED
-  EXIST. STEAM MAIN TO REMAIN

NOTE:

SHADED AREA INDICATES
PROPOSED STEAM LINE
CORRIDOR



CAMBRIDGE REDEVELOPMENT AUTHORITY	
KENDALL SQUARE URBAN RENEWAL AREA PROJECT NO. MASS. R-107	
CAMBRIDGE STEAM CORPORATION PROPOSED STEAM LINE SIXTH STREET	
PREPARED BY FAY, SPOFFORD & THORNDIKE, INC., ENGINEERS, BOSTON, MASS.	
SCALE IN FEET	0 50 100
	NOV. 14, 1978

CAMBRIDGE REDEVELOPMENT AUTHORITY

FORM OF LICENSE

KNOW ALL MEN BY THESE PRESENTS, that CAMBRIDGE REDEVELOPMENT AUTHORITY, a public body politic and corporate, organized under Massachusetts law and located in the City of Cambridge, Massachusetts (hereinafter, together with its successors and assigns, called the "AUTHORITY"), does hereby grant to CAMBRIDGE STEAM CORPORATION, a Massachusetts corporation with a usual place of business in said Cambridge (hereinafter, together with its successors and assigns, called the "STEAM CORPORATION"), a license to lay, maintain and use two sixteen inch diameter welded steel steam lines and one six inch welded steel condensate return line, all to be insulated and enclosed in a duct approximately sixty-six inches by thirty-six inches, with the necessary manholes and service connections under a strip of land feet in width and as shown on a plan annexed hereto and entitled "Cambridge Steam Corporation, Proposed Steam Lines", dated , 1978", upon the terms and conditions hereinafter set forth, all of which by the acceptance hereof the STEAM CORPORATION covenants and agrees to keep, abide by and perform.

Reserving unto the AUTHORITY, the right to use, for landscaping, other utility services and other purposes, the land and soil over, under and surrounding said steam lines and ducts. Steam lines and ducts shall be installed at all times at locations sufficiently beneath the surface of the land so as not to interfere with the use of such land by others, including the construction and use thereof as a public way and so as not to prevent ingress and egress to and from land presently owned by the AUTHORITY.

FIRST: Except in the case of emergencies, the STEAM CORPORATION shall, before entering upon any land of the AUTHORITY pursuant to the license granted hereby, give written or telegraphic notice of the time and place of its proposed entry and of the proposed work, at least three (3) business days in advance, to the AUTHORITY at its principal office in Cambridge, Massachusetts. Before proceeding to excavate for the purpose of constructing said steam lines or ducts, as hereby authorized, the STEAM CORPORATION shall file with the Cambridge City Clerk a satisfactory surety company bond in the sum of Two Hundred and Fifty Thousand Dollars (\$250,000) and naming the AUTHORITY and the City of Cambridge, and each of them an obligee, conditioned to save harmless the AUTHORITY and the City of Cambridge from all claims for damages arising from the laying, maintenance and use of said steam lines, ducts and other facilities as authorized herein. Said bond shall be satisfactory in form to

the City Solicitor and approved by the Cambridge City Manager. The STEAM CORPORATION shall, after doing any work hereunder, restore the premises of the AUTHORITY to the same or as good a condition as they were in prior to the commencement of the doing of said work.

SECOND: The work, including work in any street, shall not be unnecessarily delayed nor shall the public travel be unnecessarily interfered with during the work. The amount of space, time, manner, etc. of occupation of any street shall be arranged with the Commissioner of Public Works of Cambridge.

THIRD: All work of relaying, reconstructing and repairing any sewer, sewer construction, appurtenance or fixture, shall be done as directed by the City Engineer of Cambridge and to his entire satisfaction and acceptance.

FOURTH: The relaying and reconstruction of water pipes and service connections, if any, shall be done in a manner satisfactory to the Cambridge Water Board.

FIFTH: In relaying, supporting or repairing gas pipes, electric conduits or other structures not belonging to the City of Cambridge the STEAM CORPORATION shall make adequate and satisfactory arrangements with the several companies whose structures may be affected by the construction of the steam lines, ducts or other facilities.

SIXTH: The refilling and replacing of the material around and over the steam lines and ducts shall be done so as to prevent, as far as possible, all settlement of the surface. The surface of any public streets which have been disturbed or injured by the construction of the steam lines or ducts are to be repaired and repaved, in a first class manner, with the same class of pavement that existed on the streets before the work was begun. All such work of repairing and repaving shall be done by the Public Works Department of the City of Cambridge at the expense of the STEAM CORPORATION.

SEVENTH: During the progress of the construction of the steam lines or ducts, all sewer, water, gas and electric services must be maintained by the contractor to supply the wants of the abutters upon the streets if they so request.

EIGHTH: If at any time the Cambridge City Council shall decide that in its opinion public necessity and convenience require that the steam lines or ducts be altered or otherwise changed in its location, the STEAM CORPORATION, on receiving due and proper notice

from the City Council defining and requiring such alterations as it desires, shall at once and at its own expense cause such alterations to be made.

NINTH: The license hereby granted shall be subject to revocation at any time at the pleasure of the Cambridge City Council for the time being.

TENTH: All work to be done by the STEAM CORPORATION, or its contractors, agents or servants, in connection with the laying, maintenance or use of any of its facilities shall be done at the sole risk and expense of the STEAM CORPORATION.

ELEVENTH: During the doing of any work hereunder and so long as any steam lines, ducts or facilities of the STEAM CORPORATION are located in or under any of the land herein mentioned, the STEAM CORPORATION, and its contractors, agents or servants, at their own cost and expense shall install and maintain or arrange to install and maintain such protective devices and take and observe any and all precautions which may be required to provide reasonable assurances of safety and protection to persons and property in accordance with applicable laws, codes and regulations.

TWELFTH: The STEAM CORPORATION SHALL at all times hereafter indemnify and save harmless the AUTHORITY from and against any and all injury, damages, losses, claims, demands, suits, costs or expenses which the AUTHORITY may suffer, sustain or be subject to, directly or indirectly, caused either wholly or in part by reason of the laying, maintenance or use of any said steam lines, ducts or facilities of the STEAM CORPORATION except damages caused solely by the negligence of the AUTHORITY, its agents, officers and employees.

The STEAM CORPORATION further hereby assumes all risk of, and shall and hereby does indemnify and save harmless the AUTHORITY from, all loss, damage or injury to all property, and all structures, equipment, facilities, appliances or appurtenances situated upon the property, of the AUTHORITY occasioned by or arising from or connected with the performance of any acts permitted pursuant to this license, except damages willfully or negligently caused by the AUTHORITY, its agents, officers and employees.

THIRTEENTH: Title to all facilities of the STEAM CORPORATION, or any part thereof, located in or under land of the AUTHORITY shall at all times be and remain in the STEAM CORPORATION.

FOURTEENTH: The STEAM CORPORATION shall at all times conduct its operations pursuant to this license in conformity with the requirements of each Federal, State, municipal or other public authority having jurisdiction in the premises.

FIFTEENTH: The STEAM CORPORATION hereby further agrees that no other or greater vested right, interest, estate, easement or other tenure in the premises of the AUTHORITY than expressed herein shall be deemed to be granted or created hereby, nor shall the use of said premises, however extended, by the STEAM CORPORATION be deemed to create or vest in the STEAM CORPORATION any other or greater right in respect to said premises than expressed herein.

SIXTEENTH: The STEAM CORPORATION shall not assign this license without in each instance the prior written permission of the AUTHORITY. The covenants herein contained shall run with the land and shall inure to the benefit of and be binding upon the parties hereto and their respective successors and assigns.

WITNESS the execution hereof under seal the _____ day
of _____, 1978.

ATTEST:

CAMBRIDGE REDEVELOPMENT AUTHORITY

Secretary

By _____
(Title)

ATTEST

CAMBRIDGE STEAM CORPORATION

Clerk

By _____
(Title)

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss.

, 1978

Then personally appeared the above-named
and acknowledged the foregoing instrument to be the free act and
deed of Cambridge Redevelopment Authority, before me

(SEAL)

Notary Public
My commission expires:



CITY OF CAMBRIDGE

147 HAMPSHIRE ST., CAMBRIDGE, MASSACHUSETTS 02139 • TEL. 492-7450

PUBLIC WORKS DEPARTMENT

Conrad C. Fagone
Commissioner

November 17, 1978

Robert Rowland
Executive Director
Cambridge Redevelopment Authority
336 Main Street
Cambridge, Massachusetts 02142

Re: Review and Concurrence in Cambridge Steam Corporation
Alternatives in the Kendall Square Urban Renewal Area

Dear Mr. Rowland:

I have reviewed all materials related to the termination by the City of Cambridge of the temporary permit granted to the Cambridge Steam Corporation. I have also reviewed the illustrative drawing dated September 8, 1978, prepared by Authority Engineers, Fay Spofford & Thorndike entitled, "Steam Main Relocation Alternatives".

After such reviews, this is to inform you that as Commissioner of Public Works of the City of Cambridge, I interpose no objection to the alternative which utilizes Sixth Street between Potter and Binney Streets, nor to any of the alternatives which would involve the use of land presently owned by the Authority and which, in the future, may become parts of public ways.

I understand that this matter will be acted upon by the City Council. If required, I will be available to state my recommendation as outlined above.

Very truly yours,

A handwritten signature in cursive script, reading "Conrad C. Fagone".

Conrad C. Fagone
Commissioner

CCF/ho'



CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

• (617) 876-6800

LAW DEPARTMENT

RUSSELL B. HIGLEY
CITY SOLICITOR

RUSSELL B. HIGLEY

EDWARD A. CUNNINGHAM
ANDREW T. TRODDEN
LEGAL COUNSEL

CHARLES A. WATSON
LEGISLATIVE AGENT

November 17, 1978

Mr. Robert F. Rowland
Executive Director
Cambridge Redevelopment Authority
336 Main Street
Cambridge, Massachusetts 02142

Re: Review and Approval of Proposed Form of Agreement(s)
with the Cambridge Steam Corporation in the Kendall
Square Urban Renewal Area

Dear Mr. Rowland:

I have reviewed the enclosed form of license agreement by and between the Cambridge Redevelopment Authority and the Cambridge Steam Corporation and interpose no objection. It is in such a form which I would approve in the event that a substantially similar agreement would be required by and between the City of Cambridge and the Corporation.

Sincerely yours,

Russell B. Higley
City Solicitor

RBH:ehb
Enclosure



City of Cambridge

MASSACHUSETTS

OFFICE OF THE
POLE AND CONDUIT COMMISSION

December 6, 1978

James L. Sullivan
City Manager
City of Cambridge

Dear Mr. Sullivan:

The Pole and Conduit Commission has no objection to revocation by the City Council of Cambridge Steam Corporation's permit to run steam lines through former Potter Street, west of Sixth Street, and former Fulkerson (former Ninth) Street. Also, the Commission does not object to the grant of a permit to the Cambridge Steam Corporation to run steam lines in Sixth Street, between Potter and Binney Street.

The Commission does not object to alternative routes for the steam line as shown on the attached map entitled "Steamline Relocation Alternatives."

Very truly yours,

Mary E. Calnan

Mary E. Calnan
Chairman

MEC:pmo



CITY OF CAMBRIDGE

CAMBRIDGE, MASSACHUSETTS 02139
Tel. 876-6800

EXECUTIVE DEPARTMENT
JAMES L. SULLIVAN
City Manager

To The Honorable, The City Council:

I am forwarding for your consideration following the December 11, 1978 public hearing on matters related to operations of the Cambridge Steam Corporation within former public ways in the Kendall Square Urban Renewal Area an order to be acted upon which provides:

- (1) That the permit authorized by a City Council Order, adopted December 17, 1945 and granted to Cambridge Steam Corporation to lay, maintain and use steam lines in Potter Street west of Sixth Street and in Fulkerson (former Ninth) street, be revoked, as of March 15, 1979;
- (2) That Cambridge Steam Corporation be ordered to remove, no later than March 15, 1979, its steam lines and related facilities and connections from Potter Street west of Sixth Street;
- (3) That the Commissioner of Public Works be authorized to grant at any time within one year to Cambridge Steam Corporation a permit or license to lay, maintain and use steam lines in Sixth Street between Potter and Binney Streets; and
- (4) That the City Council concurs in a form of license, in or substantially in the form entitled "Form of License to be Granted by Cambridge Redevelopment Authority to Cambridge Steam Corporation to Lay, Maintain and Use Steam Lines in Authority-Owned Land."

I have attached a map, entitled "Steamline Alternatives", which shows the streets affected by the permit revocation and proposed permit grant. The map also shows possible steamline alternatives which would allow a reconnection of the steam line so that steam service can be continued to steam users without interruption.

Also attached is "Form of License to be Granted by Cambridge Redevelopment Authority to Cambridge Steam Corporation to Lay, Maintain and Use Steam Lines in Authority-Owned Land." The Authority has requested Council's concurrence in the form of license agreement because the Authority-owned land which may be used for steamline operations may eventually be transferred to the City as part of a public right-of-way.

The following letters are attached:

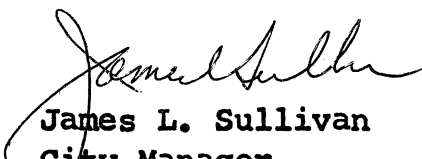
(1) Letter from the Commissioner of Public Works stating that he interposes no objections to the proposed steamline alternative routes.

(2) Letter from the City Solicitor stating that the proposed form of license agreement between the Authority and Corporation is in such a form which he would approve in the event that a substantially similar agreement is required.

(3) Letter from the Pole and Conduit Commission stating that the Commission does not object to the permit revocation, nor to the grant of permit, as proposed herein, nor to the steamline alternative routes as shown on the enclosed map.

If potential developers are to be in a position to begin construction in early 1979 on Parcel 2 in the Kendall Square Urban Renewal Area, it is imperative that the steam lines be removed by March 15, 1979 because site excavations for a new building must begin at that time. Consequently, it is recommended that Council adopt the order forwarded herewith immediately after the hearing.

Very truly yours,



James L. Sullivan
City Manager

JLS:b
Enclosures

Latendau

Ager da #8 #5

H-195

Additional information on steam line permits
in the Kendall Square area. CITY COUNCIL
ORDER ENCLOSED.

*1/22/99 Re Distribution to
Karen Dyer*

PHD

CAA

City of Cambridge

City of Cambridge

*COMMUNICATION REFERRED
to*

9 PM Hearing 12/11/78

In City Council,

December 11, 1978

12/11/78

*CHARTER RIGHT
EXERCISED*

BY

COUNCILOR DUCHOY-

12/18/78

L. Crane MOVED ADOPTION

Order Adopted

7-1-1