

CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139 • TEL. 876-6800

LAW DEPARTMENT

EDWARD D. MCCARTHY
ACTING CITY SOLICITOR

ROWENA E. TAYLOR
ASSISTANT CITY SOLICITOR

CHARLES WATSON
LEGISLATIVE AGENT

April 24, 1974

Honorable City Council
Cambridge
Massachusetts

Dear Councillors:

You have asked my opinion relative to a supposed reversionary clause in a deed from the Commonwealth of Massachusetts to the General Services Administration.

In the Middlesex County Registry of Deeds, there is recorded a deed from the Massachusetts Bay Transportation Authority to the United States of America for approximately 9.999 acres of land in Cambridge, bounded on the east by Boylston Street and on the south by Memorial Drive.

Immediately following this deed, there is recorded a deed from the Massachusetts Bay Transportation Authority to John Fitzgerald Kennedy Library Incorporated for approximately 2.181 acres of land which represents the remaining portion of the land not conveyed to the United States of America. (copies attached hereto).

Neither of these deeds contains a reversionary clause stating that if the John Fitzgerald Kennedy Library was not built on the land aforementioned that it would become "surplus property" and therefore could be returned to the Commonwealth of Massachusetts.

Honorable City Council

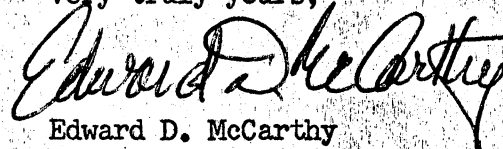
-2-

April 24, 1974

My office also was in contact with William Manley, Esq., Assistant Regional Counsel for the General Services Administration relative to the options open to the General Services Administration in the event that a study reveals an environmental impact which is catastrophic. Mr. Manley advised that, at this point in time, the General Services Administration feels that it is premature to consider any options available to it and is not considering any options.

I am trying to contact Mr. Grant at Maguire Associates and will advise you when I receive any further information.

Very truly yours,



Edward D. McCarthy
City Solicitor

EDMcC:cas

Enc.

Chap. 864. AN ACT AUTHORIZING THE MASSACHUSETTS BAY TRANSPORTATION AUTHORITY TO CONVEY A PART OF A CERTAIN TRACT OF LAND IN CAMBRIDGE TO THE UNITED STATES OF AMERICA, AND TO SELL THE REST OF SAID TRACT TO JOHN FITZGERALD KENNEDY LIBRARY INCORPORATED, AND PROVIDING THAT THE COMMONWEALTH REIMBURSE THE SAID AUTHORITY FOR THE LAND GIVEN TO THE UNITED STATES OF AMERICA.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of paragraph (b) of section five of chapter one hundred and sixty-one A of the General Laws or any other provision of general or special law, the Massachusetts Bay Transportation Authority, hereinafter called the Authority, is authorized: —

(1) To convey to the United States of America, without consideration, in order to provide a site for the presidential archival depository of the John Fitzgerald Kennedy Library, a part of the train yards owned by said Authority and located at the terminus of the Dorchester-Cambridge rapid transit line in the city of Cambridge, said part not to exceed ten acres and to be bounded on the east by Boylston street and on the south by Memorial Drive. The exact metes and bounds of said part shall be agreed upon by the Authority and the United States of America, acting by and through the Administrator of General Services. The deed conveying such portion of the yard to the United States shall provide that the United States or the Library Corporation shall cause a suitable memorial to be placed in a prominent place indicating that the site of said library was a gift from the people of the commonwealth;

(2) To sell and convey to the John Fitzgerald Kennedy Library Incorporated, a corporation duly organized under the laws of the commonwealth, the remaining part of said train yards, meaning the part not so conveyed to the United States of America, at its fair market value.

SECTION 2. To reimburse the Authority for that part of the train yards conveyed without consideration to the United States, the commonwealth shall pay, subject to appropriation, an amount equal to the fair market value of said part of said train yards.

Approved January 4, 1966.

Chap. 865. AN ACT AUTHORIZING SAINT JOHN'S HOSPITAL TO HOLD ADDITIONAL REAL AND PERSONAL ESTATE.

Be it enacted, etc., as follows:

Saint John's Hospital, a corporation organized under chapter one hundred and nine of the acts of eighteen hundred and sixty-seven, is hereby authorized to take and receive by gift, grant, bequest, devise or otherwise, any lands, tenements, or other estate, real or personal, or any interests therein, to an amount not exceeding fifteen million dollars.

Approved January 4, 1966.

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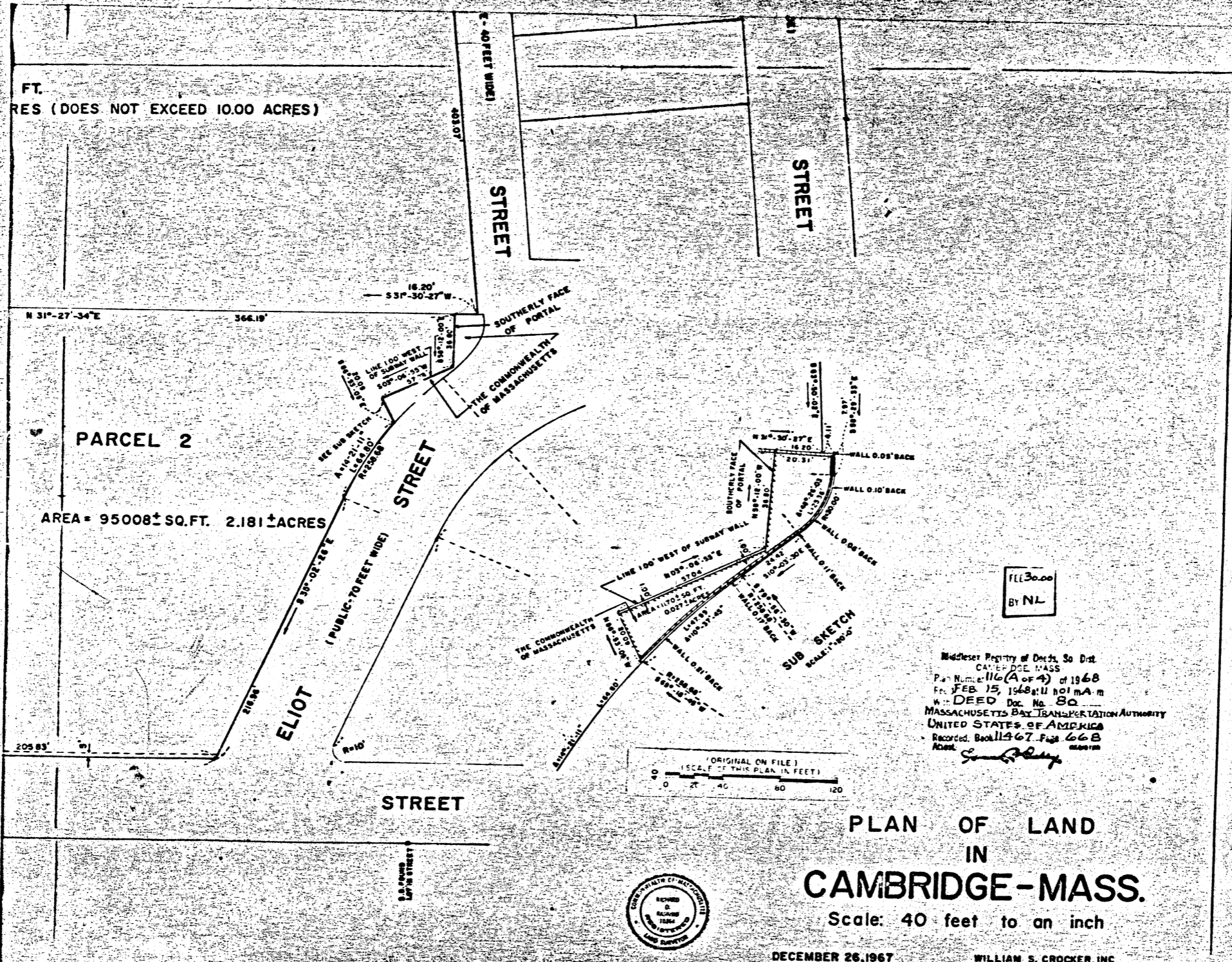
78

WHEREAS, St. 1965, Chapter 864 authorizes the Massachusetts Bay Transportation Authority (the "Authority"), a body politic and corporate and a political subdivision of The Commonwealth of Massachusetts established under the provisions of Chapter 563 of the Acts of 1964, to convey to the United States of America (the "United States"), in order to provide a site for the presidential archival depository of the John Fitzgerald Kennedy Library, a part of the train yards (the "Yards") owned by the Authority and located at the terminus of the Dorchester-Cambridge rapid transit line in the City of Cambridge, Middlesex County, Massachusetts, said part not to exceed ten acres bounded on the east by Boylston Street and on the south by Memorial Drive, the exact metes and bounds of which have been agreed upon by the Authority and the United States acting by and through the Administrator of General Services (the "Administrator") and are the premises shown as Parcel 1 on the plan hereinafter referred to; and

WHEREAS, by joint resolution the Senate and House of Representatives of the United States have authorized the acceptance of such conveyance (Public Law 89-547; 80 Stat. 370); and

WHEREAS, it is anticipated that it will be necessary to adjust the metes and bounds of the part of the Yards to be owned by the United States and of the remaining part to be owned by the John Fitzgerald Kennedy Library Incorporated (the "Library Corporation"), a non-profit corporation duly organized under the laws of The Commonwealth of Massachusetts, and in order to accomplish such result without the necessity of the execution and delivery by the United States of a deed or

116 SEE PLAN IN RECORD BOOK 11467 PAGE 668



FT.
RES (DOES NOT EXCEED 10.00 ACRES)

PARCEL 2

AREA = 95008± SQ.FT. 2.181± ACRES

(PUBLIC: TO FEET WIDE)

STREET

STREET

STREET

ELIOT

STREET

SOUTHERLY FACE OF PORTAL

THE COMMONWEALTH OF MASSACHUSETTS

SOUTHERLY FACE OF PORTAL

THE COMMONWEALTH OF MASSACHUSETTS

SUB SKETCH

FILE 30.00
BY NL

Middlesex Registry of Deeds, So. Dist.
CAMBRIDGE, MASS.
Plan Number: 116 (A of 4) of 1968
Fr. FEB 15, 1968: 11 101 m a m
W. DEED Doc. No. 80
MASSACHUSETTS Bay TRANSPORTATION Authority
UNITED STATES OF AMERICA
Recorded Book 11467 Page 66B
Acct. *Sumner &...*



PLAN OF LAND
IN
CAMBRIDGE-MASS.

Scale: 40 feet to an inch

DECEMBER 26, 1967

WILLIAM S. CROCKER, INC.
CIVIL ENGINEERS & SURVEYORS

UNIVERSITY ROAD (PRIVATE)

500.42

BENNETT

(PRIVATE - 40 FEET WIDE)

1,037-00-02 E

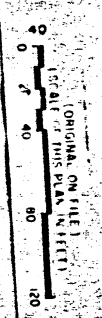
MT. AUBURN

(PUBLIC - 60 FEET WIDE)

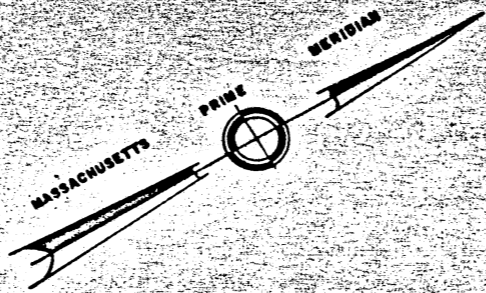
HILLIARD STREET

MIFFLIN PL.

FT. (DOES NOT EXCEED 10.00 ACRES)



PLAN NUMBER 116 (Box A) of 1968
RECORDED BOOK 117-2-1 PART 668



DRIVE

SOCIETY OF ST. JOHN
THE EVANGELIST

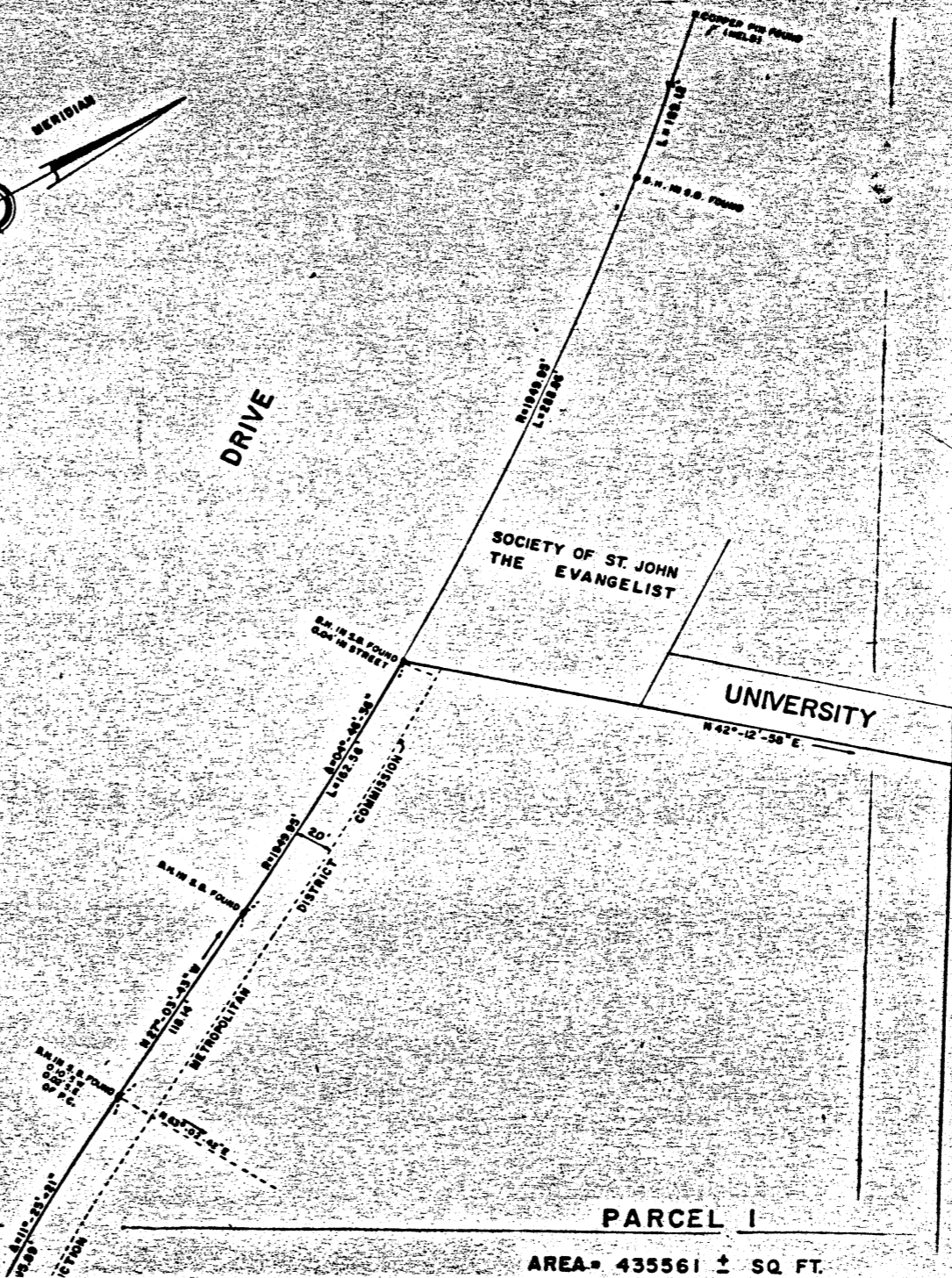
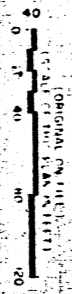
UNIVERSITY

THE COMMONWEALTH OF MASSACHUSETTS
(METROPOLITAN DISTRICT COMMISSION)

PARCEL I

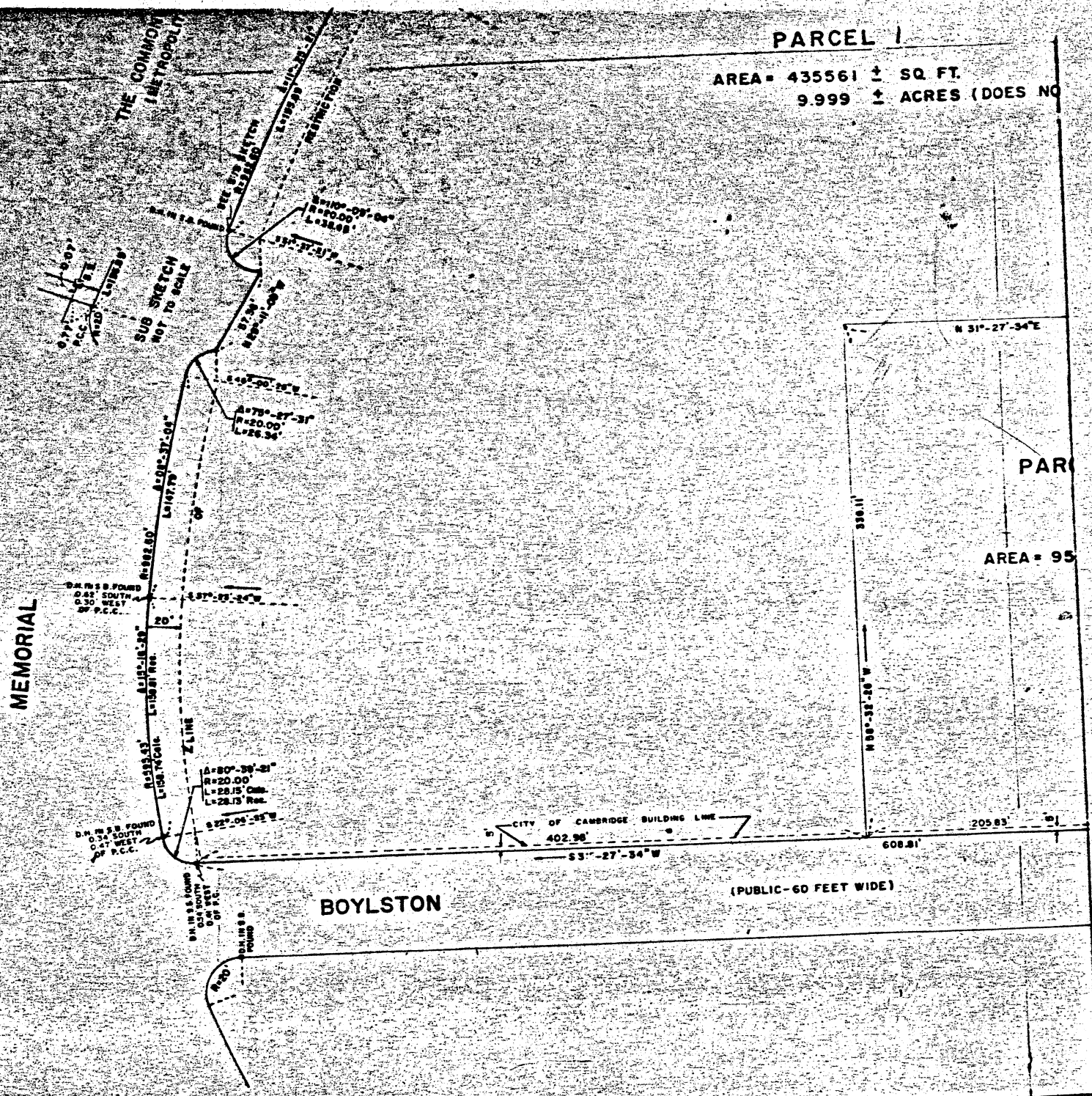
AREA = 435561 ± SQ. FT.

RECORDED BOOK 1182 PAGE 668
APR 16 1968
M.C. & C. CO.



PARCEL 1

AREA = 435561 ± SQ. FT.
9.999 ± ACRES (DOES NOT INCLUDE PARCEL 2)



(ORIGINAL ON FILE)
SCALE OF THIS PLAN IN FEET
0 20 40 60 80 100

PLAN NUMBER 16 (Part 4) of 1968
RECORDED BOOK 11-46 PAGE 668

deeds conveying a portion of said Parcel 1, it has been agreed to grant to the Library Corporation a future interest in a portion thereof;

NOW, THEREFORE, the MASSACHUSETTS BAY TRANSPORTATION AUTHORITY, for consideration paid, gives, grants, bargains and sells, enfeoffs and conveys to the UNITED STATES OF AMERICA (mailing address: General Services Administration, Washington, D. C. 20405) with quitclaim covenants, subject to the provisions hereinafter set forth, a certain parcel of land situated on Memorial Drive, Boylston Street, Bennett Street and University Road in said Cambridge, shown as Parcel 1 on a plan entitled "Plan of Land in Cambridge - Mass.", dated December 26, 1967, revised January 12, 1968, by William S. Crocker, Inc., to be recorded herewith, containing 435,561 square feet or 9.999 acres, and bounded and described as follows:

SOUTHEASTERLY by a curved line at the junction of Boylston Street and Memorial Drive, about twenty-eight and 15/100 (28.15) feet;
 SOUTHERLY about three hundred six and 53/100 (306.53) feet;
 WESTERLY twenty-six and 34/100 (26.34) feet;
 SOUTHWESTERLY fifty-seven and 36/100 (57.36) feet;
 SOUTHERLY thirty-eight and 45/100 (38.45) feet; and
 SOUTHWESTERLY about four hundred seventy-six and 59/100 (476.59) feet, all of the foregoing courses being by Memorial Drive;
 NORTHWESTERLY in part by land now or formerly of the Society of St. John the Evangelist and in part by the southeasterly line of University Road, five hundred and 42/100 (500.42) feet;
 NORTHEASTERLY by Bennett Street, four hundred three and 07/100 (403.07) feet;
 SOUTHEASTERLY by land of The Commonwealth of Massachusetts, sixteen and 20/100 (16.20) feet, and by Parcel 2 on said plan, three hundred sixty-six and 19/100 (366.19) feet;
 NORTHEASTERLY by said Parcel 2, three hundred thirty-six and 11/100 (336.11) feet; and
 SOUTHEASTERLY by Boylston Street, four hundred two and 98/100 (402.98) feet.

TO HAVE AND TO HOLD the granted premises, together with all privileges and appurtenances thereto belonging to the grantee, its successors and assigns, until the recording of an agreement and certificate (the "certificate") to which reference is hereafter made in Paragraph I, and then to the use of the Library Corporation (mailing address: 122 Bowdoin Street, Boston, Massachusetts 02108) of so much of said Parcel 1 as is covered by such certificate.

I. Promptly after each notice given by the Library Corporation of the Additional Land (as hereinafter defined) it wishes, the exact metes and bounds of the part of the Yards thereafter to be owned by the United States and the remaining part to be owned by the Library Corporation shall be agreed upon by the Authority and the United States acting by and through the Administrator, and title to such Additional Land, subject to the payment by the Library Corporation to The Commonwealth of Massachusetts of the sum of \$14 per square foot for such Additional Land, shall automatically vest in the Library Corporation upon the filing in the Middlesex South District Registry of Deeds within twenty (20) years from the date hereof of a certificate which (a) shall set forth the exact metes and bounds of the part of the Yards thereafter to be owned by the United States and the exact metes and bounds of the remaining part of the Yards to be owned by the Library Corporation, (b) shall state the area in square feet of the Additional Land so to be acquired by the Library Corporation, and (c) shall be executed on behalf of the Authority by properly authorized officers and by the Administrator to evidence their mutual agreement upon said exact metes and bounds and by the Treasurer and Receiver General of The Commonwealth of Massachusetts

to evidence receipt by said Commonwealth from the Library Corporation of \$14 per square foot for the Additional Land so acquired by the Library Corporation.

The term Additional Land shall mean land within said Parcel 1 acquired by the Library Corporation as the result of the filing of one or more of the certificates referred to in the preceding paragraph; provided, however, that the total area of Additional Land shall not exceed three acres plus an area equal to any part of Parcel 2 on said plan which may have been conveyed by the Library Corporation to the United States subsequent to the date hereof.

II. By the acceptance of this deed the United States agrees that it will make arrangements with the Library Corporation to cause a suitable memorial to be placed in a prominent place indicating that the site of the Library was a gift from the people of The Commonwealth of Massachusetts.

III. The granted premises are conveyed subject to an easement hereby reserved to use the existing tracks and facilities, and any additions or alterations thereto, at the Yards for such period as the Authority may require, but in no event after the Termination Date referred to below. The Authority shall exercise its best efforts to relocate such tracks and facilities, to vacate the Yards and to deliver full possession thereof, free of all tenants and occupants, to the United States as soon as practicable, and in any event by January 1, 1970, provided, however, that if the Authority shall be unable to move prior to said date, then said date may be postponed by mutual agreement of the Authority and the Library Corporation (January 1, 1970, or such postponed date if there be one, being herein called the "Termination Date").

IV. The granted premises also are conveyed subject to the building line on said Memorial Drive, formerly Charles River Road, created by vote of the City of Cambridge Park Commissioners on November 29, 1898, a copy of which is recorded with said Deeds, Book 2709, Page 588, and to the building line on Boylston Street created by order of the City Council dated February 12, 1962, recorded with said Deeds, Book 9997, Page 599, all so far as now in force and applicable.

V. The Authority shall indemnify the United States and hold it harmless against any loss, cost, damage or expense whatsoever which it may incur or suffer by reason of public liability or taxes, if any, or by any other reason, if such loss, cost, damage or expense is based upon or results from the ownership, use or occupancy of the Yards prior to the time the full possession thereof shall have been delivered to the United States and to the Library Corporation.

VI. No Massachusetts deed excise stamps are affixed hereto, none being required by law.

IN WITNESS WHEREOF the Massachusetts Bay Transportation Authority has caused its corporate seal to be affixed and these presents to be signed, acknowledged and delivered in its name and behalf by Charles C. Cabot, William J. Fitzgerald, Philip Kramer, Robert P. Springer and Forrest I. Neal, Jr., hereto duly authorized, this 24th day of January, 1968.

MASSACHUSETTS BAY TRANSPORTATION AUTHORITY

By Charles C. Cabot

William J. Fitzgerald.

Philip Kramer

Robert P. Springer

Forrest I. Neal, Jr.

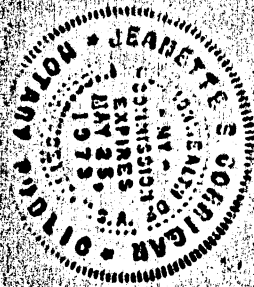


THE COMMONWEALTH OF MASSACHUSETTS

Suffolk, ss.

January 24, 1968

Then personally appeared the above-named Charles C. Cabot, William J. Fitzgerald, Philip Kramer, Robert P. Springer and Forrest I. Neal, Jr., known to me to be all of the Directors of the Massachusetts Bay Transportation Authority, and acknowledged the foregoing instrument to be the free act and deed of the Massachusetts Bay Transportation Authority, before me.



Jeannette S. Corrigan

Notary Public

My commission expires: May 25, 1973

FEB 15 68 AM 11:07 08114

BK 11467 PG 674

117

WHEREAS, St. 1965, Chapter 864, Section 1(1) authorizes the Massachusetts Bay Transportation Authority (the "Authority") a body politic and corporate and a political subdivision of The Commonwealth of Massachusetts established under the provisions of Chapter 563 of the Acts of 1964, to convey to the United States of America, in order to provide a site for the presidential archival depository of the John Fitzgerald Kennedy Library, a part of the train yards (the "Yards") owned by the Authority and located at the terminus of the Dorchester-Cambridge rapid transit line in the City of Cambridge, Middlesex County, Massachusetts, the exact metes and bounds of which have been agreed upon by the Authority and the United States of America acting by and through the Administrator of General Services (the "Administrator"); and

WHEREAS, such conveyance is being made by a deed to be delivered simultaneously herewith; and

WHEREAS, St. 1965, Chapter 864, Section 1(2) authorizes the Authority to sell and convey to the John Fitzgerald Kennedy Library Incorporated (the "Library Corporation"), a nonprofit corporation duly organized under the laws of The Commonwealth of Massachusetts, the remaining part of the Yards, meaning the part not so conveyed to the United States of America, at its fair market value; and

WHEREAS, the fair market value of the remaining part of the Yards has been determined and is the consideration for this conveyance;

NOW, THEREFORE, the MASSACHUSETTS BAY TRANSPORTATION AUTHORITY, for consideration paid, grants to JOHN FITZGERALD KENNEDY LIBRARY INCORPORATED (mailing address: 122 Bowdoin Street, Boston, Massachusetts 02108) with quitclaim covenants, a certain parcel of land situated on Boylston Street and Eliot Street in said Cambridge,

116
SEE PLAN IN RECORD BOOK 11467 PAGE 668

shown as Parcel 2 on a plan entitled "Plan of Land in Cambridge-Mass.", dated December 26, 1967, revised January 12, 1968, by William S. Crocker, Inc., to be recorded herewith, containing about 95,008 square feet or 2.181 acres, and bounded and described as follows:

SOUTHEASTERLY by Boylston Street, two hundred five and $\frac{83}{100}$ (205.83) feet;
 NORTHEASTERLY by Eliot Street, two hundred eighty-one and $\frac{76}{100}$ (281.76) feet;
 NORTHERLY twenty and $\frac{09}{100}$ (20.09) feet;
 EASTERLY fifty-seven and $\frac{04}{100}$ (57.04) feet; and
 NORTHERLY thirty-six and $\frac{80}{100}$ (36.80) feet, all of the foregoing courses being by land of The Commonwealth of Massachusetts;
 NORTHWESTERLY three hundred sixty-six and $\frac{19}{100}$ (366.19) feet; and
 SOUTHWESTERLY three hundred thirty-six and $\frac{11}{100}$ (336.11) feet, both of the foregoing courses being by Parcel 1 on said plan.

Said Parcel 2 constitutes the remaining part of the Yards.

The granted premises are conveyed subject to an easement hereby reserved to use the existing tracks and facilities, and any additions or alterations thereto, at the Yards for such period as the Authority may require, but in no event after the Termination Date referred to below. The Authority shall exercise its best efforts to relocate such tracks and facilities, to vacate the Yards and to deliver full possession thereof, free of all tenants and occupants, to the Library Corporation as soon as practicable, and in any event by January 1, 1970, provided, however, that if the Authority shall be unable to move prior to said date, then said date may be postponed by mutual agreement of the Authority and the Library Corporation (January 1, 1970, or such postponed date if there be one, being herein called the "Termination Date").

The granted premises also are conveyed subject to the building line on Boylston Street created by order of the City Council dated

February 12, 1962, recorded with Middlesex South District Deeds, Book 9997, Page 599, all so far as now in force and applicable.

The Authority shall indemnify the Library Corporation and hold it harmless against any loss, cost, damage or expense whatsoever which it may incur or suffer by reason of public liability or taxes, if any, or by any other reason, if such loss, cost, damage or expense is based upon or results from the ownership, use or occupancy of the Yards prior to the time the full possession thereof shall have been delivered to the United States and to the Library Corporation.

No Massachusetts deed excise stamps are affixed hereto, none being required by law.

IN WITNESS WHEREOF the Massachusetts Bay Transportation Authority has caused its corporate seal to be affixed and these presents to be signed, acknowledged and delivered in its name and behalf by Charles C. Cabot, William J. Fitzgerald, Philip Kramer, Robert P. Springer and Forrest I. Neal, Jr.,

hereto duly authorized, this 24th day of January, 1968.

MASSACHUSETTS BAY TRANSPORTATION AUTHORITY

By Charles C. Cabot

William J. Fitzgerald

Philip Kramer

Robert P. Springer

Forrest I. Neal, Jr.



THE COMMONWEALTH OF MASSACHUSETTS

Suffolk, ss.

January 24, 1968

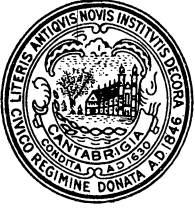
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Jeanette S. Corrigan

Notary Public

My commission expires: May 25, 1973





CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139 • TEL. 876-6800

LAW DEPARTMENT

EDWARD D. MCCARTHY
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April 24, 1974

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Honorable City Council

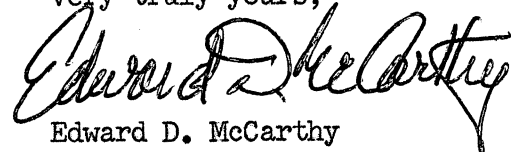
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April 24, 1974

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I am trying to contact Mr. Grant at Maguire Associates and will advise you when I receive any further information.

Very truly yours,



Edward D. McCarthy
City Solicitor

EDMcC:cas

Enc.

178

Comm. from the City Solicitor re: to a
supposed reversionary clause in a deed from
the Commonwealth of Mass. to the General
Services Administration.

4/29/74

Placed on File -

In City Council,

April 29, 1974

Copies made for Chamber
4/26/74 dl

F