



City of Cambridge
Department of Public Works

147 Hampshire Street
Cambridge, MA 02139
theworks@cambridgema.gov

Owen O'Riordan, Commissioner

voice: 617 349 4800
TDD: 617 499 9924

February 19, 2014

Mr. Rich Rossi
City Manager
795 Massachusetts Avenue
Cambridge, MA 02139

RE: Utility Easement – 143 Pemberton Street

Dear Mr. Rossi:

The Department of Public Works supports the discontinuance of the existing municipal utility easement located on 143 Pemberton Street. The easement was acquired in conjunction with the reconstruction of the Yerxa Road Underpass in 2004. The easement was intended to provide a corridor for sewer and stormwater utilities and is identified as Parcel 7 and Parcel 8 on the Permanent Easement Plan, dated 8/27/03.

During the course of construction of the Yerxa Road Underpass, unexpected conditions were identified on the south side of the project, requiring modifications to the alignment of the utilities. The new alignment shifted the utilities away from 143 Pemberton Street and eliminated the need for this easement.

This utility easement is not currently in use and would not be proposed for any future use, as it is located under the house at 143 Pemberton Street.

Please contact me with any questions kwatkins@cambridgema.gov / 617-349-4751.

Sincerely,

Katherine F. Watkins
Acting City Engineer





CITY OF CAMBRIDGE

City Hall, 795 Massachusetts Ave., Cambridge, MA 02139
Tel.: 617-349-4343 Fax: 617-349-4357

Assessing Department

Robert P. Reardon
Director of Assessment

MEMORANDUM

TO: Richard C. Rossi, City Manager
FROM: Robert P. Reardon *RR*
RE: Easement located at 143 Pemberton Street.
SUBJECT: Portion of Map 195, Lot 138, drain easement.
DATE: February 18, 2014

Property Description:

The subject parcel is a subsurface drain easement and part of a lot known as Assessors Map 195, Lot 138. The area for the easement is located along the northeast side of Lot 138 at an angle to Pemberton Street, approximately thirteen feet wide and contains an area of 1,327 square feet. The easement was granted to the City of Cambridge in April 2004 in conjunction with reconstruction of the Yerxa Road underpass. The easement runs from the northwest corner of the lot from Pemberton Street under the northeast section of the improvement to a point two thirds of the way on the east side of the lot from Pemberton Street. The easement area not covered by the improvement is grass. Pemberton Street is located in the North Cambridge section of the City of Cambridge. The lot is located in a Residential B zoning district. The total land area involved is 2,778 square feet and would be considered unbuildable because of existing improvements and zoning setback requirements.

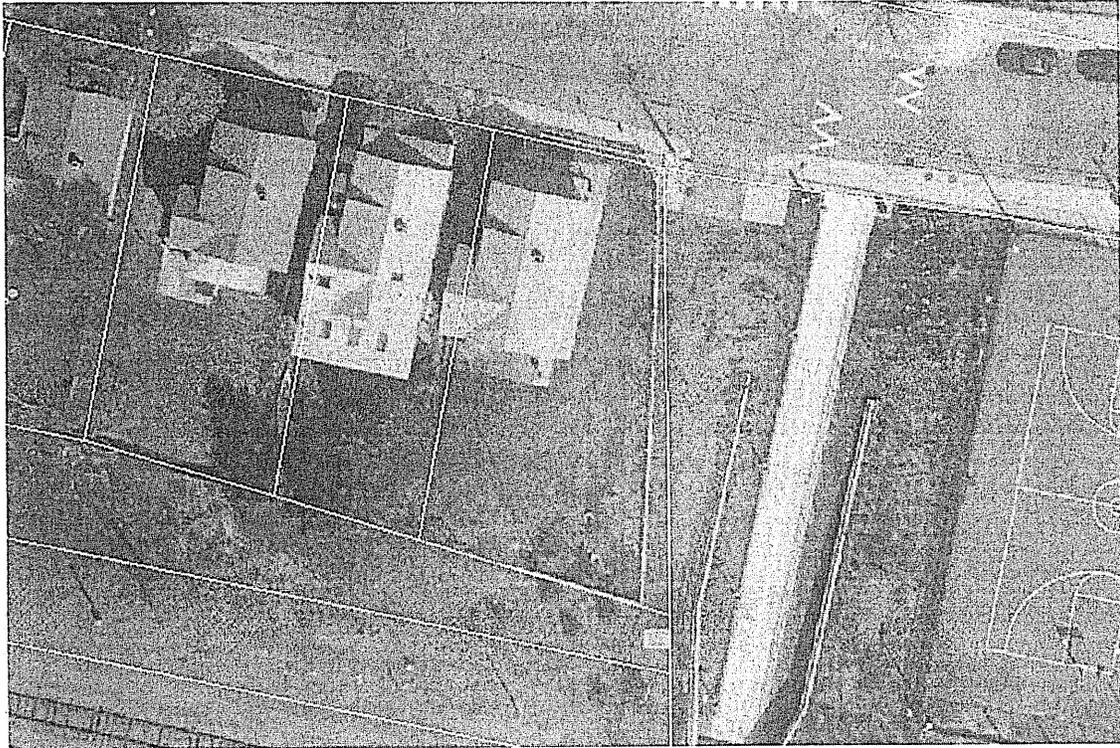
ZONING:

The subject property is located in a residential B zoning area. Listed below are the requirements for this zone:

Minimum lot size	5,000 sq. ft.
Minimum lot width	50 sq. ft.
FAR	.50 to 1.00
Minimum Yard in Feet	
Front	15 ft.
Side	7'6" (sum of 20)
Rear	25 ft.
Minimum lot Area per DU	2,500 sq. ft.
Maximum height	35 ft.
Minimum open space	40%

History:

The easement is part of the property was purchased by Arthur F. Cody on July 21, 1975. The total land area of the lot is 5,104 square feet.



Property Valuation:

I have been asked to estimate the market value of the above-mentioned property. Given the lack of alternative uses of the existing easement it has been determined that the easement would have little to no value other than for its original purpose, therefore a nominal value of \$10.00 has been estimated for the site.

GRANT OF EASEMENT

2004 00150735
Bk: 43035 Pg: 688 Doc: EASE
Page: 1 of 4 .08/11/2004 03:33 PM

Handwritten initials: H/W

KNOW ALL MEN BY THESE PRESENTS THAT, ARTHUR F. CODY and LOUISE M. CODY, (the "Grantor"), of 143 Pemberton Street, Cambridge, Massachusetts for good and valuable consideration, do hereby grant to the CITY OF CAMBRIDGE, a municipal corporation duly organized under the laws of the Commonwealth of Massachusetts with a usual place of business at 795 Massachusetts Avenue, Cambridge, Massachusetts (the "Grantee"), the perpetual rights and easements for the Grantee, its agents, employees and contractors, to install, construct, maintain, operate, repair and renew sanitary sewer and storm drain pipes, water pipes, water valves and manhole structures, in, under and above the Easement Area and to enter upon said Easement Area for the purposes of constructing, installing, maintaining, altering, repairing, replacing, or removing said sanitary sewer and storm drain pipes, water pipes, water valves or manhole structures. Grantor reserves all other rights in and to the subject premises, including, but not limited to the right to maintain, repair, replace, improve and/or increase in size and scope the structure on the premises. Maintenance shall include conducting routine maintenance activities such as visual inspections twice per year and pipe cleaning once per year, or more frequently if required on an as needed or emergency basis.

Pemberton Street, Cambridge

The Easement Area in which said rights and easements are granted is shown as on the plan entitled "Permanent Easement Plan" prepared for Wallace Floyd Design Group, by Howe Surveying Associates, Inc., dated 01-31-03, revised 08-27-03 [Attached as Exhibit A] to be recorded herewith ("Plan"), and bounded and described according to said Plan as follows: *attached as exhibit A hereto*

Parcel Seven

Beginning at the southeast corner at the land now or formerly Boston and Maine Railroad and the City of Cambridge;

thence running along said Railroad land N72-37'-51"W, thirty one and 32/100 (31.32) feet to a point;

thence turning and running through the land now or formerly Arthur & Louise Cody for the next two courses N20-22'-09"E, sixty six and 51/100 (66.51) feet S57-37'-51"E, ten and 08/100 (10.08) feet to a point at the land now or formerly the City of Cambridge;

thence turning and running said City land S01-31'-23"E, sixty six and 33/100 (66.33) feet to the point of beginning.

The above described strip of land contains an area of 1,327 square feet.

Parcel Eight

Beginning at the northwest corner of parcel seven and running through the land now or formerly Arthur & Louise Cody for the next two courses, S57-37'-51"E, four and 63/100

OFFICE OF THE CITY SOLICITOR
CITY HALL
795 MASSACHUSETTS AVENUE

Handwritten initials: GRC

(4.63) feet N24-14'-56"W, forty five and 26/100 (45.26) feet to a point on the southerly sideline of Pemberton Street;

thence turning and running along said sideline, N77-20'-21"W, twelve and 74/100 (12.74) feet;

thence turning and running through the Cody land for the next two courses, NS24-05'-20"E, fifty six and 96/100 (56.96) feet N20-22'-09"E, eleven and 11/100 (11.11) feet to the point of beginning.

The above described strip of land contains an area of 500 square feet. For reference to the Grantors' title see Book 2388, Page 237.

In witness whereof, the Grantor has hereunto set its hand and seal this 23rd day of ~~September 2003~~ April 2004

By: Arthur F. Cody
Arthur F. Cody
143 Pemberton Street
Cambridge, MA 02138

Dated: 4/23/04



ANNA B. DI VASTA
Notary Public
Commonwealth of Massachusetts
My Commission Expires
January 7, 2011

Middlesex, ss.

Then personally appeared the above named Arthur F. Cody and acknowledged the foregoing instrument to be his free act and deed as owner of 143 Pemberton Street, Cambridge, Massachusetts, before me, Anna B. Di Vasta
Notary Public

My commission expires 1/7/2011

By: Louise M. Cody
Louise M. Cody
143 Pemberton Street
Cambridge, MA 02138

Dated: 4-23-04

The Commonwealth of Massachusetts

Middlesex, ss.

Then personally appeared the above named Louise M. Cody and acknowledged the foregoing instrument to be his free act and deed as owner of 143 Pemberton Street, Cambridge, Massachusetts, before me, Anna B. Di Vasta
Notary Public

My commission expires 1/7/2011



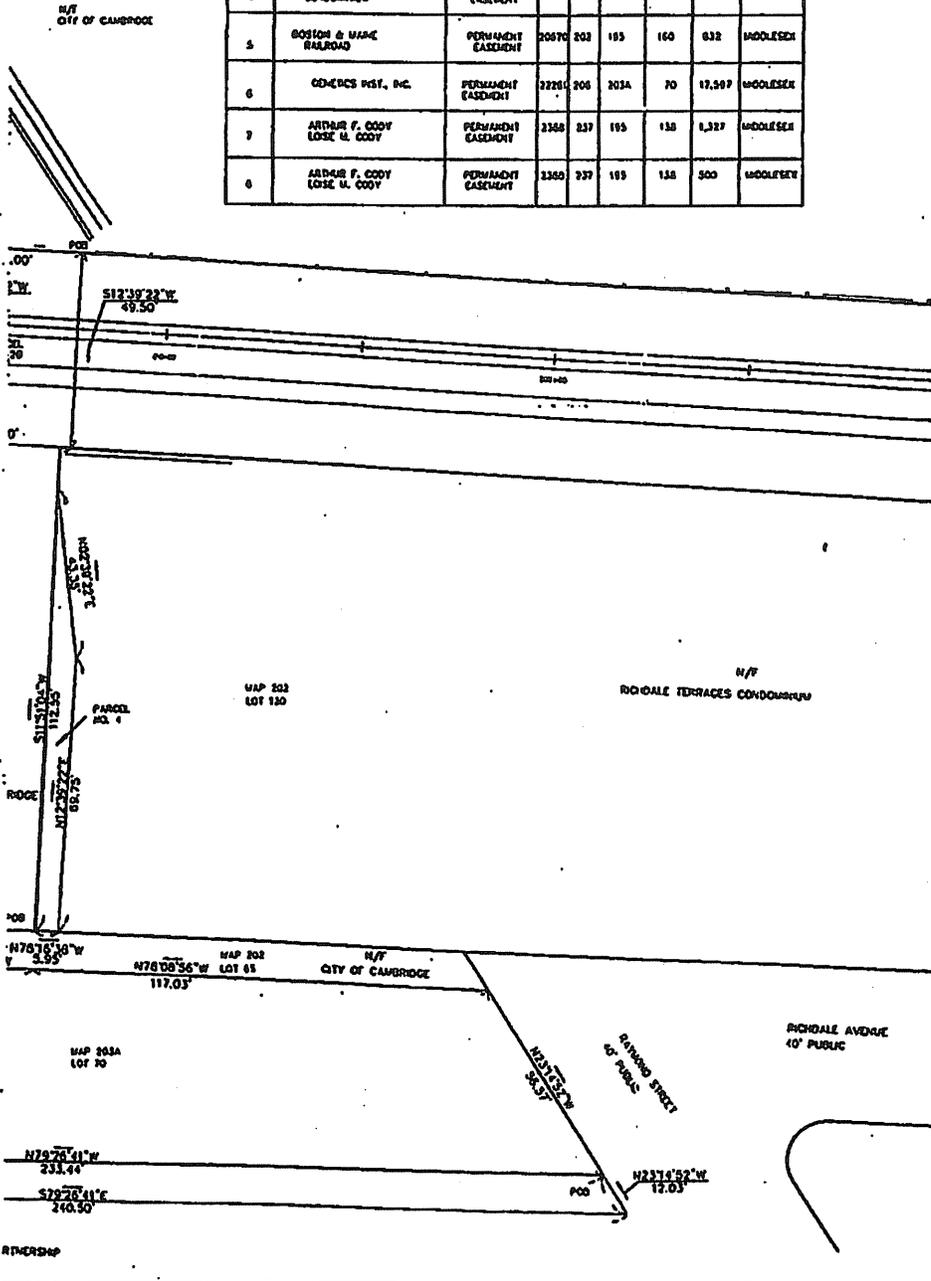
ANNA B. DI VASTA
Notary Public
Commonwealth of Massachusetts
My Commission Expires
January 7, 2011

AFC

Exhibit A

PERMANENT EASEMENT

PARCEL NO.	OWNER	TYPE OF ACQUISITION	REGISTER OF DEEDS		CAMBRIDGE ASSESSOR		AREA IN SQ. FT.	COUNTY
			BOOK	PAGE	MAP	PARCEL		
1	MASSACHUSETTS BAY TRANSPORTATION AUTHORITY	PERMANENT EASEMENT	15117	143	105	101	900	MIDDLESEX
2A	MASSACHUSETTS BAY TRANSPORTATION AUTHORITY	PERMANENT EASEMENT					2,310	MIDDLESEX
2B	MASSACHUSETTS BAY TRANSPORTATION AUTHORITY	PERMANENT EASEMENT					1,702	MIDDLESEX
3	WSO LIMITED PARTNERSHIP	PERMANENT EASEMENT	11674	500	2030	66	2,370	MIDDLESEX
4	RICHDALE TERRACES CONDOMINIUM	PERMANENT EASEMENT			203	130	596	MIDDLESEX
5	BOSTON & MAINE RAILROAD	PERMANENT EASEMENT	20870	203	195	160	632	MIDDLESEX
6	CONCRETS INST., INC.	PERMANENT EASEMENT	22261	206	203A	70	17,507	MIDDLESEX
7	ARTHUR F. CODY LOUIS H. CODY	PERMANENT EASEMENT	2368	237	193	130	1,327	MIDDLESEX
8	ARTHUR F. CODY LOUIS H. CODY	PERMANENT EASEMENT	2368	237	193	130	500	MIDDLESEX



HOWE SURVEYING ASSOCIATES, INC.
CIVIL ENGINEERS & LAND SURVEYORS

72 PARKINGTON STREET
 NO. CHELSEA, MA. 01603
 (978) 851-3432
 ~~~~~  
 13 BUCHA VISTA STREET  
 DEVEREAUX, MA 01432  
 (978) 772-1700

*Wallace Floyd*  
 8/20/03



TITLE  
**PERMANENT EASEMENT PLAN**

LOCATION  
**YERXA ROAD UNDERPASS  
 CAMBRIDGE, MA**

PREPARED FOR  
**WALLACE FLOYD DESIGN GROUP  
 273 SUMMER ST.  
 BOSTON, MA 02210-1510**

|          |                  |     |
|----------|------------------|-----|
| 08-27-03 | CORRECT TABLE    | VWD |
| 06-04-03 | ADD 2A, 2B, 7, 8 | VWD |
| 05-30-03 | ADD PARCEL 5+6   | VWD |
| 05-06-03 | ADD PARCEL 4     | VWD |
| 04-22-03 | ADD PARCEL 3     | VWD |

| DATE | REVISION | BY |
|------|----------|----|
|      |          |    |

SCALE IN FEET  
 0      20      40      60

DISC'T      FLD BY:  
 DRAWN      DESGN. VWD  
 DATE VWD      CHECK: RL

JOB NO: 02-1018      SCALE: 1" = 20'  
 SHEET: 1      OF: 1  
 DATE: 01-31-03      Dwg NO: H5084



**hse**  
**HOBBS SURVEYING**  
**ASSOCIATES, INC.**  
 CIVIL ENGINEERS  
 &  
 LAND SURVEYORS

100 WASHINGTON ST  
 CAMBRIDGE, MA 02142  
 TEL: 617-452-1100  
 FAX: 617-452-1101

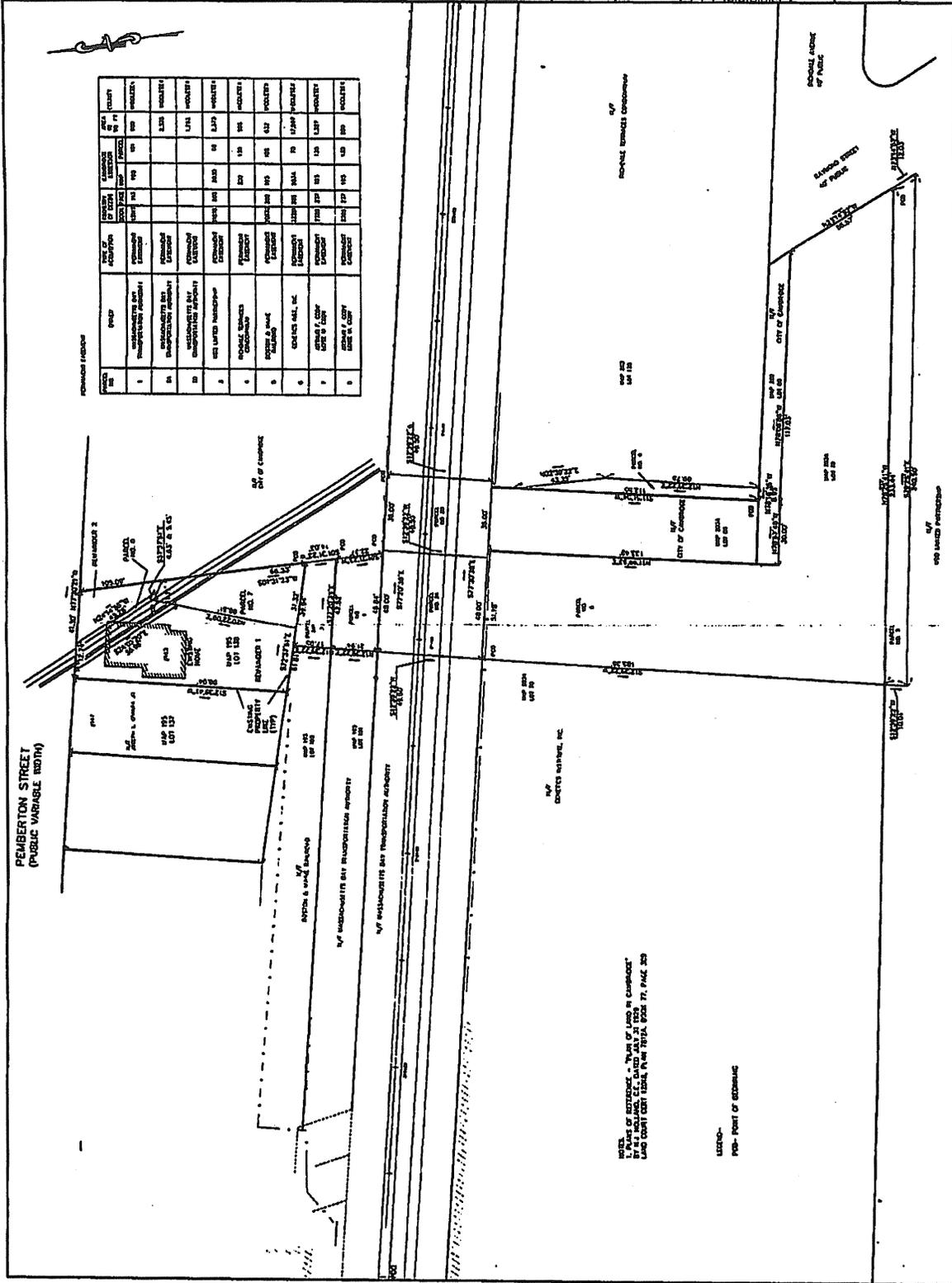


TITLE:  
**PERMANENT  
 EASEMENT PLAN**

LOCATION:  
**YERXA ROAD  
 UNDERPASS  
 CAMBRIDGE, MA**

PROJECT NO:  
**WALLACE FLYNN DESIGN GROUP  
 278 SERRIN ST  
 BOSTON, MA 02110-1510**

|          |               |
|----------|---------------|
| DATE     | DESCRIPTION   |
| 01-22-03 | ADD PARCEL 3  |
| 02-22-03 | ADD PARCEL 4  |
| 03-22-03 | ADD PARCEL 5  |
| 04-22-03 | ADD PARCEL 6  |
| 05-22-03 | ADD PARCEL 7  |
| 06-22-03 | ADD PARCEL 8  |
| 07-22-03 | ADD PARCEL 9  |
| 08-22-03 | ADD PARCEL 10 |
| 09-22-03 | ADD PARCEL 11 |
| 10-22-03 | ADD PARCEL 12 |
| 11-22-03 | ADD PARCEL 13 |
| 12-22-03 | ADD PARCEL 14 |



FORWARD REFERENCE

| NO. | DATE     | DESCRIPTION   | DATE OF REVISION | BY | REVISION |
|-----|----------|---------------|------------------|----|----------|
| 1   | 01-22-03 | ADD PARCEL 3  | 01-22-03         | JS | 1        |
| 2   | 02-22-03 | ADD PARCEL 4  | 02-22-03         | JS | 2        |
| 3   | 03-22-03 | ADD PARCEL 5  | 03-22-03         | JS | 3        |
| 4   | 04-22-03 | ADD PARCEL 6  | 04-22-03         | JS | 4        |
| 5   | 05-22-03 | ADD PARCEL 7  | 05-22-03         | JS | 5        |
| 6   | 06-22-03 | ADD PARCEL 8  | 06-22-03         | JS | 6        |
| 7   | 07-22-03 | ADD PARCEL 9  | 07-22-03         | JS | 7        |
| 8   | 08-22-03 | ADD PARCEL 10 | 08-22-03         | JS | 8        |
| 9   | 09-22-03 | ADD PARCEL 11 | 09-22-03         | JS | 9        |
| 10  | 10-22-03 | ADD PARCEL 12 | 10-22-03         | JS | 10       |
| 11  | 11-22-03 | ADD PARCEL 13 | 11-22-03         | JS | 11       |
| 12  | 12-22-03 | ADD PARCEL 14 | 12-22-03         | JS | 12       |

NOTES:  
 1. PLANS OF REFERENCE - "PLAN OF LAND IN CAMBRIDGE"  
 AND "PLAN OF LAND IN BOSTON"  
 AND "PLAN OF LAND IN NEWTON"  
 AND "PLAN OF LAND IN QUINCY"  
 AND "PLAN OF LAND IN RANDOLPH"  
 AND "PLAN OF LAND IN WINTHROP"  
 AND "PLAN OF LAND IN LYNN"  
 AND "PLAN OF LAND IN SUFFOLK"  
 AND "PLAN OF LAND IN MIDDLESEX"  
 AND "PLAN OF LAND IN ESSEX"  
 AND "PLAN OF LAND IN WORCESTER"  
 AND "PLAN OF LAND IN FRANKLIN"  
 AND "PLAN OF LAND IN HAMPDEN"  
 AND "PLAN OF LAND IN BARNSTABLE"  
 AND "PLAN OF LAND IN PLYMOUTH"  
 AND "PLAN OF LAND IN DUCHESS"  
 AND "PLAN OF LAND IN ALBANY"  
 AND "PLAN OF LAND IN RENSSELAIRE"  
 AND "PLAN OF LAND IN SARATOGA"  
 AND "PLAN OF LAND IN WARREN"  
 AND "PLAN OF LAND IN CATTARAUGUS"  
 AND "PLAN OF LAND IN CHEMUNG"  
 AND "PLAN OF LAND IN ALLEGANY"  
 AND "PLAN OF LAND IN WESTCHESTER"  
 AND "PLAN OF LAND IN MONROE"  
 AND "PLAN OF LAND IN ORANGE"  
 AND "PLAN OF LAND IN SULLY"  
 AND "PLAN OF LAND IN WASHINGTON"  
 AND "PLAN OF LAND IN ADAMS"  
 AND "PLAN OF LAND IN BRISTOL"  
 AND "PLAN OF LAND IN BUTLER"  
 AND "PLAN OF LAND IN FRANKLIN"  
 AND "PLAN OF LAND IN HAMPDEN"  
 AND "PLAN OF LAND IN HANCOCK"  
 AND "PLAN OF LAND IN KENT"  
 AND "PLAN OF LAND IN LINCOLN"  
 AND "PLAN OF LAND IN NORFOLK"  
 AND "PLAN OF LAND IN PLYMOUTH"  
 AND "PLAN OF LAND IN SUFFOLK"  
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 AND "PLAN OF LAND IN LINCOLN"  
 AND "PLAN OF LAND IN NORFOLK"  
 AND "PLAN OF LAND IN PLYMOUTH"  
 AND "PLAN OF LAND IN SUFFOLK"  
 AND "PLAN OF LAND IN WORCESTER"

LEGEND:  
 PERM. POINT OF BEGINNING



SCALE: 1" = 40'

DATE: 01-22-03

BY: JS

CHECKED: JS

DATE: 01-22-03

BY: JS