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O. ROBERT SIMHA

OCTOBER 2, 2001

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Members of the Cambridge Planning Board
City Hall Annex
344 Broadway
Cambridge, MA 02139

OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

Members of the Cambridge City Council
Cambridge City Hall
795 Massachusetts Avenue
Cambridge, MA 02139

Dear Members,

On August 2, 2011 you received a letter from R. Gregory Morgan, Vice President and General Counsel at MIT. His letter sought to convey that the testimony I gave to the Planning Board and the City Council on July 8, 2011, in connection with the petition of the MIT Investment Management Company to rezone 26 acres of MIT property east of Ames Street and in particular my observations about what I believe are MIT's continuing obligations under the provisions of Section 112 of the Housing Act, had no legal basis in fact at this time. His letter also asserted that he could not find any "Legal requirement, signed agreement, recorded document or resolution of MIT governing board that subjects any of the property covered by the current MIT rezoning petition to land use restrictions that would interfere with MIT's proposed use of its property".

The obligations which I drew your attention to on July 8, 2011 were central to providing the City of Cambridge with the financial resources with which it undertook the Kendall Square Urban Renewal project in 1965. These obligations, which MIT entered into freely were taken on at the instruction of the President of MIT, Dr. Julius Stratton, his successors President Howard W. Johnson, President Jerome B. Weisner and the Chairman of the Corporation, Mr James R. Killian. As the chief executive officers of the Institute and as the Chairman of the MIT Corporation they were fully empowered to act as they did with respect to the use of MIT property and did so with the full understanding of the long term obligations that were involved. As the Institute's Planning Officer at the time, I was clearly instructed by the senior officers of MIT to proceed to prepare and cause to be executed the necessary documents that insured that the City of Cambridge could apply for and receive over \$6.2 million dollars from the Federal government in "non cash credits". Credits which the city used to finance the Kendall Square Urban Renewal Project.

In order to insure that you have the opportunity to review the pertinent documents yourself and reach your own independent conclusions, I have assembled the key documents that I provided MIT and the officials at HUD and the Cambridge City

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Manager, for your review. I have also included information that catalogs the long effort to develop a more humane environment in Kendall Square through the addition of housing resources along with other developments. I have also included the planning reference materials developed and published by the Cambridge Planning Board over these years that served as the guide posts to MIT planning during my tenure as MIT's planner from 1960 to 2000.

In addition to his own letter, Mr Morgan appended a letter from Mr Thomas Rodick, the deputy legal counsel at the regional office of the Federal Department of Urban Development. This letter, that was written in response to my inquiry as to the status of MIT obligations under Section 112 of the Housing Act, noted that he was of the opinion that HUD no longer had any power to enforce the obligations that MIT had taken on nor was HUD in a position to have the City of Cambridge enforce these obligations. The HUD counsel did not choose to explain how it came to pass that on April 10, 1985, the date the project close out agreement was signed, neither HUD nor the City of Cambridge had acted to insure compliance, on the part of MIT, with regard to the obligations it had taken on and for which public funds in the amount of \$6.2 million were allocated to Cambridge. It is my firm belief that no effort was made by either of these agencies to insure that MIT was in compliance with its obligations under the agreements it had made and that it intended to fulfill those obligations over time as provided for in the regulations. As the MIT officer responsible I would certainly have know if any inquiry had been made. Upon my questioning the HUD counsel on this apparent oversight, the matter has been brought to the attention of HUD authorities in Washington. There now appears to be a concern that this matter could require further investigation.

I believe that the Cambridge Planning Board has an important role in assisting MIT in the fulfillment of its obligations to both the City of Cambridge and to its own academic community. The temptation to sacrifice the long term stability of the academic campus and the vitality of the community, in favor of short term gain, is always a danger and I urge you to help guide both MIT's commercial and institutional development in ways which maintains a balance between financial reward and a quality of life which is essential to the health and well being of both the city and the MIT faculty, staff and students. A community, which Cambridge depends on for its future economic and environmental quality.

I urge you to review the materials I have attached and my communications sent on July 8, 2011 in order to have a more comprehensive picture of the situation. I am always at your service to discuss any of these materials and their relevance to the issues before you.

Sincerely,

O. Robert Simha

6 Blanchard Road

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Cambridge, MA 02138

Attachment (under separate cover)

cc: R. Gregory Morgan
Susan Hockfield, President, MIT
Theresa M Stone, Executive vice President and Treasurer, MIT
Steven C. Marsh, Managing Director - Real Estate , MIT
Michael K. Owu, MIT

FINANCING THE KENDALL SQUARE
URBAN RENEWAL PROJECT

CONTRIBUTIONS BY
THE MASSACHUSETTS INSTITUTE
OF TECHNOLOGY THROUGH NON
CASH GRANTS IN AID UNDER SEC-
TION 112 OF THE HOUSING ACT OF
1959

DOCUMENTS AND AGREEMENTS

FEBRUARY

2011