

City of Cambridge

Richard C. Rossi • City Manager



Executive Department

Lisa C. Peterson • Deputy City Manager

September 26, 2016

To the Honorable, the City Council:

Awaiting Report Item Number 16-16 stated that because affordable, senior and transitional housing continues to be limited in Cambridge, that available land to build such needed housing also continues to be limited, that the property at Vail Court has been and continues to be a blight on the neighborhood and a wasted opportunity to address the affordable, senior and transitional housing crisis in Cambridge, the City Council was renewing its request first made during the 2014-2015 City Council term for the City Manager to take steps to obtain the property located at 139 Bishop Allen Drive, on Vail Court, in Cambridge by eminent domain.

The Law Department successfully obtained a court order which required the owners of the property to secure and board up the building and which curbed the use of the property for illegal parking, and since then the Police, Fire and Inspectional Services Departments have regularly inspected the property to make sure it is properly secured and to deter vandalism or unpermitted entry into the building. However, it remains a blight on the neighborhood and a public safety concern. I therefore recommend that the City Council take this property pursuant to its eminent domain powers and to redevelop the property for the above described uses of providing much needed affordable, senior and/or transitional housing. Pursuant to the Council Order and in order to support this recommendation, I commissioned a real estate appraisal of this property which was prepared by Steven R. Foster, MAI. In his appraisal, Mr. Foster has determined that the fair market value of this property is \$3,700,000.00. Accordingly, I attach for the City Council's consideration and action an Order of Taking in order to take title to this property by eminent domain, and request the appropriation of \$3,700,000.00 from Free Cash to the General Fund Law Department Travel & Training (Judgment & Damages) Account.

Very truly yours,

Richard C. Rossi
City Manager

RCR/mec
Attachment(s)

City of Cambridge

ORDER OF TAKING

IN CITY COUNCIL

September 26, 2016

WHEREAS: By Section 30 of Chapter 43, Section 14 of Chapter 40, and Chapter 79 of the General Laws, all as amended, it is provided that the Cambridge City Council may take in fee in the name of the City for any municipal purpose any land within the limits of the City not already appropriated for public use; and

WHEREAS: The City Manager of Cambridge and City Council, in order to provide for municipal purposes, including but not limited *inter alia*, to a place for the creation of affordable, senior, and/or transitional housing and municipal purposes and for all purposes and uses accessory thereto, have approved and authorized that the City should under the provisions of the aforesaid Chapter of the General Laws take and hold for the creation of affordable, senior, and/or transitional housing and municipal space the parcel of land hereinafter bounded and described and any buildings and trees thereon; and

WHEREAS: An appropriation duly made by the City Council on September 26, 2016, is sufficient to cover the estimated expenses of acquisition as required by the aforesaid Sections of Chapters 40 and 43;

NOW THEREFORE, by virtue of and in pursuance of the authority conferred by said Chapters of the General Laws and by every other power and authority it thereto enabling, the City of Cambridge by its City Council does hereby take the hereinafter described, parcel located at 1-15 Vail Court, Cambridge, County of Middlesex MA and all privileges and appurtenances thereto belonging as well as all trees and all structures thereon, excepting any easement of record shown on the plan recorded herewith, for municipal purposes, including but not limited to, *inter alia*, a place for the creation of affordable, senior, and/or transitional housing and other municipal purposes and for all purposes and uses accessory thereto. Intending to take and hereby taking in fee simple all land, excepting any easement of record shown on the plan recorded herewith, included within such description by whomsoever the same may be owned. Vis:

A certain parcel of land with the buildings thereon, now numbered 1-15 Vail Court (also known as 139 Bishop Richard E. Allen Drive) situated in Cambridge, Middlesex County, Massachusetts, being shown on a plan recorded with Middlesex South District Deeds, in Plan Book 260, Plan 1, bounded and described as follows:

SOUTHWESTERLY	by Austin Street, one hundred (100) feet, one (1) inch;
SOUTHEASTERLY	by land now or late of Bailey and Hubbard, two hundred eighty-eight (288) feet;
NORTHEASTERLY	by land now or late of Chaplin, one hundred six (106) feet; and
NORTHWESTERLY	by land formerly of Shawmut National Bank, this line passing through the center of a partition wall separating the house formerly standing on these premises from the house formerly standing on the adjoining land.

Containing about twenty eight thousand, one hundred seventy six (28,176) square feet more or less.

The above described Parcel of Land is more particularly shown on a plan dated June 4, 2016, prepared by John J Russell, Land Surveyor of Northern Associates, Inc. of Andover, MA and attached hereto and to be recorded herewith (“Plan”).

For title to said Parcel of Land see Middlesex South Registry of Deeds Book 67489, Page 597.

The damages awarded with respect to said Parcel of Land are Three Million Seven Hundred Thousand (\$3,700,000) Dollars and title to said property is vested in Said S. Abu-Zahra, Trustee of Equity Realty Trust u/d/t dated March 21, 2014 and recorded with Middlesex South Registry of Deeds (“Middlesex So.”) in Book 63397, Page 283 by virtue of deed dated June 23, 2016 and recorded in Book 67489, Page 597 subject to a civil action filed by Abeer, Inc. v. Six S. Realty Trust, et.al. in the Middlesex Superior Court, on October 21, 2013 bearing civil action no: 1381CV04600 seeking to enforce an alleged offer to purchase the subject property.

ORDERED: The taking of fee simple title in the Parcel of Land, excepting any easement of record shown on the Plan attached hereto and to be recorded herewith, along with all buildings and trees thereon herein described is hereby authorized in accordance with General Laws, Chapter 40, Section 14, Chapter 43, Section 30 and Chapter 79, all as amended for municipal purposes, including but not limited

to, *inter alia*, a place for the creation of affordable, senior, and/or transitional housing and other municipal purposes and for all purposes and uses accessory thereto.

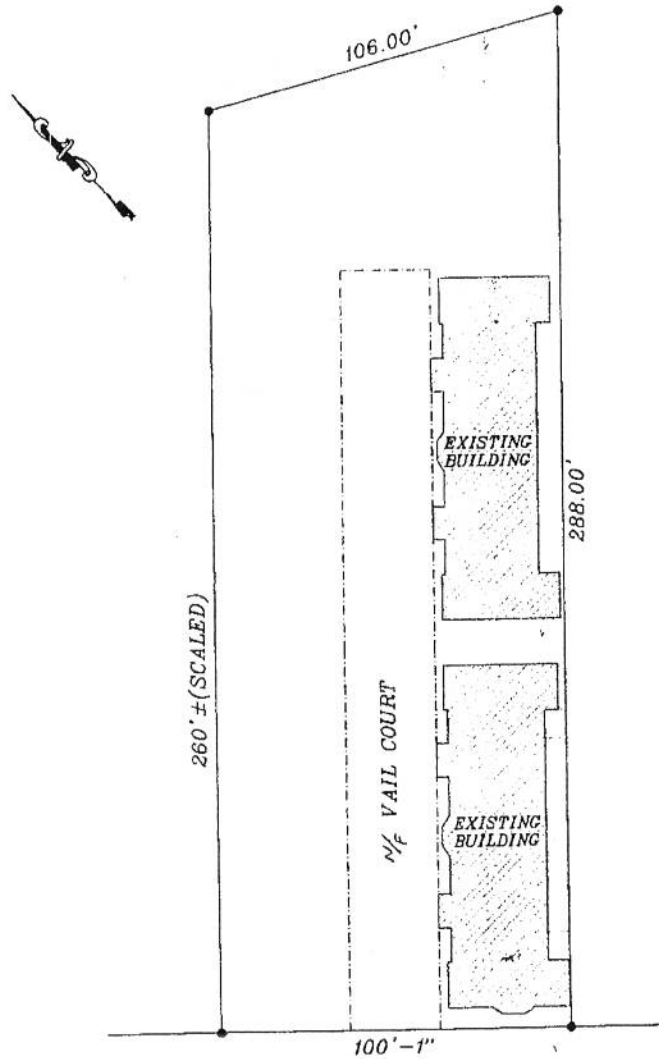
MORTGAGE INSPECTION PLAN

NORTHERN ASSOCIATES, INC.

68 PARK ST. 2ND FLOOR ANDOVER, MA 01810 TEL:(978) 837-3335 FAX:(978) 837-3336
MASSACHUSETTS

MORTGAGOR: S. ABUZHARA, TRUSTEE OF THE
LOCATION: EQUITY REALTY TRUST
CITY, STATE: 139 BISHOP ALLEN DR
DATE: CAMBRIDGE, MA
7/11/16

DEED REF. 63397/295
PLAN REF. 260/1
SCALE: 1"=40'
JOB #: 215/06018



BISHOP ALLEN DRIVE

CERTIFIED TO:

Flood hazard zone has been determined by scale and is not necessarily accurate. Until definitive plans are issued by HUD and/or a vertical control survey is performed, precise elevations cannot be determined.

NOTE: This mortgage inspection was prepared specifically for mortgage purpose only and is not to be relied upon as a land or property line survey, used for recording, preparing deed descriptions, or construction. No corners were set. Building location and offsets are approximately located on ground and are shown specifically for zoning determination only and are not to be used to establish property lines. The matters shown hereon are based on client-furnished information and may be subject to further out-sides, findings, easements and rights of way, and other matters of record and prescriptive or other rights. Northern Associates, Inc. assumes no responsibility herein to land owner or occupant, accepts no responsibility for damages resulting from said reliance by anyone other than the said mortgagee and its assigns in connection with its proposed mortgage financing to said mortgagee.



I further state that in my professional opinion that the structures shown conform with the local zoning horizontal dimensional setback requirements at the time of construction or are exempt under provisions of M.G.L. CH. 40A Sec. 7.

- 1. Property/House is not in Flood Hazard.
- 2. Property/House is in a Flood Hazard Area.
- 3. Information is insufficient to determine Flood Hazard.

Flood Hazard determined from latest Federal Flood

Insurance Rate Map Panel 25017C0576E

Date 06/04/10 Zone X-UNSHADED

Attachment: Vail Ct Taking Plan 09-26-16 (CMA 2016 #285 : AR 16-16 response regarding plan to take Vail Court by eminent domain)