

CITY OF SOMERVILLE
INTEROFFICE MEMORANDUM

To: Members of the Board of Aldermen

From: Eileen M. McGettigan, Special Counsel

Re: Licenses for the Use of City Land for GLX Construction Activities

Date: October 16, 2018

At the time the Board of Aldermen was considering the request to contribute \$50M to save the GLX project, three documents were docketed with the BOA for review and discussion. These three documents were:

- (1) Project Participation Agreement, in which the City would commit to paying \$50M for the GLX;
- (2) Interconnection letter agreement, relating to the ability of the City to tie into GLX drainage facilities; and
- (3) the GLX Scope letter agreement, detailing the remaining items requiring City-GLX coordination.

One of the items in the Scope letter was a commitment to update the prior Memoranda of Agreement between the City, MBTA, and MassDOT relating to Union Square, Gilman Square, and the Community Path. As requested by the BOA during its discussions on the \$50M payment, when the Superseding MOA and Interconnection Agreement were finalized in accordance with the terms of the letter agreements, they were provided to the BOA (Item 204185, September 14, 2017 Meeting). The Superseding MOA is attached.

The MBTA understands that it will require Aldermanic votes for temporary and permanent easements from the City for GLX station elements in the Gilman Square area. Due to continuing negotiations between the City and MBTA as to the location of the traction power substation and coordination of GLX construction with the high school project, the MBTA does not have exact metes and bounds for the easement areas, which are necessary in order to record the easements at the Registry of Deeds. Because the construction timeline required the MBTA to begin construction activities prior to finalizing the easement areas, the MBTA requested that the City grant a license, subject to the terms of the Superseding MOA, to allow the MBTA to use the City land in the interim. Once final metes and bounds are determined, the easements will be docketed with the Board of Aldermen. The Gilman Square License Agreement is attached.

The SRA has granted the MBTA a license to use those areas of the D2 Block adjacent to the railroad right of way in an effort to jumpstart construction activities prior to the SRA's conveying D2 to US2. The MBTA-SRA Union Square License Agreement is attached.