

CITY OF MARLBOROUGH MEETING POSTING

Meeting Name: City Council Legislative and Legal Affairs Committee

Date: January 19, 2016

Time: 6:00 PM

Location: City Council Chamber, 2nd Floor, City Hall, 140 Main Street

Agenda Items to be addressed:

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2016 JAN 13 A 9:25

Order No. 16-1006413: Order of Taking by Eminent Domain of Permanent Sewer Easements for the Sudbury Street Sewer Project.

-REFER TO LEGISLATIVE AND LEGAL AFFAIRS

THE LISTING OF TOPICS THAT THE CHAIR REASONABLY ANTICIPATES WILL BE DISCUSSED AT THE MEETING IS NOT INTENDED AS A GUARANTEE OF THE TOPICS THAT WILL HAVE BEEN DISCUSSED. NOT ALL TOPICS LISTED MAY IN FACT BE DISCUSSED, AND OTHER TOPICS NOT LISTED MAY ALSO BE BROUGHT UP FOR DISCUSSION TO THE EXTENT PERMITTED BY LAW.

The public should take due notice that the Marlborough City Council may have a quorum in attendance due to Standing Committees of the City Council consisting of both voting and non-voting members. However, members attending this duly posted meeting are participating and deliberating only in conjunction with the business of the Standing Committee.

Electronic devices, including laptops, cell phones, pagers, and PDAs must be turned off or put in silent mode upon entering the City Council Chamber, and any person violating this rule shall be asked to leave the chamber. Express authorization to utilize such devices may be granted by the President for recordkeeping purposes.



IN CITY COUNCIL

Marlborough, Mass., JANUARY 11, 2016
PAGE 1

ORDERED:

Eminent Domain Order of Taking

WHEREAS, the City Council of the City of Marlborough has determined that the public welfare and safety necessitates that certain sewer improvements be made to the Sudbury Street area, and that said improvements require the taking by eminent domain of permanent sewer easements in certain parcels of land located on Harper Circle and Sudbury Street as more particularly described herein; and,

WHEREAS, in order to promote the public welfare, safety and necessity, it is necessary to take by Eminent Domain permanent sewer easements in, on, under, over, across and through the herein described land; and,

NOW, THEREFORE, IT IS HEREBY ORDERED that the City Council of the City of Marlborough, acting in accordance with the power and authority conferred by the City Charter, Division 1, Section 30, Massachusetts General Laws, Chapter 79 and every power and authority thereto enabling, does hereby take by Eminent Domain permanent sewer easements in the following described land and all trees and brush thereon.

DESCRIPTION OF LAND TAKEN

1. Property H – Permanent Sewer Easement: A certain parcel of land located on the North Easterly side of Harper Circle in Marlborough, Middlesex County, Massachusetts and being shown as Proposed Easement H on a plan entitled, "Easement Plan Of Land In Marlborough, Massachusetts;" Prepared For City of Marlborough & AECOM; April 15, 2013; By: Bryant Associates, Inc. 90 Canal Street, Suite 301, Boston, MA 02114, Scale 1"=40'; Sheet 2 of 3;" said Plan to be recorded with the Middlesex South District Registry of Deeds together with an attested copy of this Order.

Meaning and intending to take and taking by Eminent Domain a permanent sewer easement, shown as Proposed Easement H as described in the aforementioned plan, which is a portion of the land as described in the deed recorded at the Middlesex South District Registry of Deeds in Book 27774, Page 119.

OWNERS: Stephen A. Silen and Pirjo Silen
49 Harper Circle

The land consisting of Proposed Easement H as referred to in the description above is also shown on the City of Marlborough Assessors Map as a portion of Parcel 81 on Map 23. The total land area being taken consists of 11,762 +/- square feet.



IN CITY COUNCIL

Marlborough, Mass., JANUARY 11, 2016
PAGE 2

ORDERED:

2. Property I – Permanent Sewer Easement: A certain parcel of land located on the Westerly side of Sudbury Street in Marlborough, Middlesex County, Massachusetts and being shown as Proposed Easement I on a plan entitled, “Easement Plan Of Land In Marlborough, Massachusetts;” Prepared For City of Marlborough & AECOM; April 15, 2013; By: Bryant Associates, Inc. 90 Canal Street, Suite 301, Boston, MA 02114, Scale 1”=40’; Sheet 2 of 3;” said Plan to be recorded with the Middlesex South District Registry of Deeds together with an attested copy of this Order.

Meaning and intending to take and taking by Eminent Domain a permanent sewer easement, shown as Proposed Easement I as described in the aforementioned plan, which is a portion of the land as described in the deed recorded at the Middlesex South District Registry of Deeds in Book 14954, Page 388.

OWNERS: John D. Nicholson, Jr. and Claire G. Nicholson
302 Sudbury Street

The land consisting of Proposed Easement I as referred to in the description above is also shown on the City of Marlborough Assessors Map as a portion of Parcel 10 on Map 23. The total land area being taken consists of 5,067 +/- square feet.

AWARDS

The City Council hereby makes the following awards for damages for the owner or owners of record:

<u>OWNER</u>	<u>MARLBOROUGH ASSESSORS MAP/PARCEL</u>	<u>AREA</u>	<u>AWARD</u>
Stephen A. Silen and Pirjo Silen	23/81	11,265±SF	\$7,645.00
John D. Nicholson, Jr. and Claire G. Nicholson	23/10	5,067±SF	\$6,335.00

Be and is herewith refer to **LEGISLATIVE AND LEGAL AFFAIRS COMMITTEE.**

ADOPTED

ORDER NO. 16-1006413



City of Marlborough

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

Office of the Mayor

2016 JAN -7 A 11:46
140 Main Street
Marlborough, Massachusetts 01752
Tel. (508) 460-3770 Facsimile (508) 460-3698 TDD (508) 460-3610
www.marlborough-ma.gov

Arthur G. Vigeant
MAYOR

Nicholas Milano
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

January 7, 2016

City Council President Edward J. Clancy
Marlborough City Council
140 Main Street
Marlborough, MA 01752

Re: Order of Taking by Eminent Domain Of Permanent Sewer Easements for the Sudbury Street Sewer Project

Honorable President Clancy and Councilors:

On behalf of the Department of Public Works, enclosed herewith please find a proposed Order Of Taking By Eminent Domain concerning the Sudbury Street Sewer Project. No appropriation is necessary.

As Commissioner Ghiloni's letter indicates, the City would acquire a permanent sewer easement in private land located at 49 Harper Circle and at 302 Sudbury Street.

Additional information can be found in the attached order, but the Commissioner and/or Engineering will be available to answer any specific questions relative to the project.

Sincerely,

Arthur G. Vigeant
Mayor

Enclosure

Cc: John Ghiloni, Commissioner
Evan Pilachowski, City Engineer
Mark Dascoli, Associate City Engineer
Cynthia Panagore Griffin, Assistant City Solicitor



CITY OF MARLBOROUGH
Department of Public Works
Office of the Commissioner
135 Neil Street
Marlborough, Massachusetts 01752
(508) 624-6910 Ext. 7200
Facsimile (508) 624-7699 TDD (508) 460-3610

January 7, 2016

Mayor Arthur G. Vigeant
City Hall
140 Main Street
Marlborough, MA 01752

RE: Order of Taking by Eminent Domain Of Permanent Sewer Easements for the Sudbury Street Sewer Project

Dear Mayor Vigeant:

I request that you send to the City Council, for their action, the attached Order of Taking by Eminent Domain.

By the proposed Order of Taking, the City would acquire a permanent sewer easement in private land located at 49 Harper Circle and at 302 Sudbury Street. The purpose of the takings, more fully described in the order, is related to the Sudbury Street Sewer Project.

I am available to answer any specific questions relative to the project.

Sincerely,

John L. Ghiloni
Commissioner

Enclosures

Cc: Cynthia Panagore Griffin, Assistant City Solicitor
Evan Pilachowski, City Engineer
Mark Dascoli, Associate City Engineer

Eminent Domain Order of Taking

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WHEREAS, in order to promote the public welfare, safety and necessity, it is necessary to take by Eminent Domain permanent sewer easements in, on, under, over, across and through the herein described land; and,

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OWNERS: John D. Nicholson, Jr. and Claire G. Nicholson
302 Sudbury Street

The land consisting of Proposed Easement I as referred to in the description above is also shown on the City of Marlborough Assessors Map as a portion of Parcel 10 on Map 23. The total land area being taken consists of 6,067 +/- square feet.

AWARDS

The City Council hereby makes the following awards for damages for the owner or owners of record:

<u>OWNER</u>	<u>MARLBOROUGH ASSESSORS MAP/PARCEL</u>	<u>AREA</u>	<u>AWARD</u>
Stephen A. Silen and Pirjo Silen	23/81	11,265+SF	\$7,645.00
John D. Nicholson, Jr. and Claire G. Nicholson	23/10	6,067+SF	\$7,585.00

ADOPTED
In City Council
Order No. 16 -
Adopted

Approved By Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:

PARCEL NO.	PURPORTED OWNER	TYPE OF ACQUISITION	REASON	REGISTRY OF DEEDS BK. PG.	CITY OF MARLBOROUGH MAP PARCEL	AREA IN SQ. FT.	COUNTY
H	STEPHEN A & PIRJO SLEN	PERMANENT EASEMENT	SEWER EASEMENT	27774 119	23 61	11,782	MIDDLESEX
I	JOHN D. NICHOLSON JR. & CLARE G. NICHOLSON	PERMANENT EASEMENT	SEWER EASEMENT	14584 92	23 10	6,067	MIDDLESEX

NOTES

1. THE PURPOSE OF THIS PLAN IS TO CREATE A SEWER EASEMENT FOR THE CITY OF MARLBOROUGH.
2. HORIZONTAL DATUM NAD 83 VIA RTK GPS UTILIZING MANE TECHNICAL WOBURN BASE STATION.
3. WETLANDS DELINEATED BY OTHERS.
4. BASEMAPPING, INCLUDING PAVEMENT, WALLS, HOUSES, DRIVES, POOLS, ETC) SHOWN HEREON IS BASED ON AERIAL PHOTOGRAMMETRY AND PARTIAL FIELD SURVEY.
5. A TITLE EXAMINATION TO DETERMINE IF EXISTING EASEMENTS WERE CONVEYED TO THE CITY WAS NOT PERFORMED.

LEGEND

- RETAINING WALL
- STONE WALL
- WETLAND LINE
- CHAIN LINK FENCE
- WOOD FENCE
- - - EDGE STREAM/BROOK
- STONE BOUND TO BE SET BY OTHERS

ZONING

RURAL RESIDENTIAL

ASSESSORS

MAP 23, PARCEL 10:
SUDBURY STREET REALTY TRUST
DEED BOOK 14584, PAGE 92
MAP 23, PARCEL 81:
STEPHEN & PIRJO SLEN
DEED BOOK 27774, PAGE 119

REFERENCES

DEED BOOK 44181, PAGE 286
DEED BOOK 16754, PAGE 44
DEED BOOK 47717, PAGE 98
DEED BOOK 35659, PAGE 185
DEED BOOK 50578, PAGE 171
DEED BOOK 50387, PAGE 125
DEED BOOK 27346, PAGE 160
DEED BOOK 12880, PAGE 445
DEED BOOK 52148, PAGE 460
DEED BOOK 44322, PAGE 151
DEED BOOK 41505, PAGE 531
DEED BOOK 57000, PAGE 313
PLAN 352 OF 1986
PLAN 658 OF 1986
PLAN 1454 OF 1984
PLAN 1682 OF 1983
PLAN 1213 OF 1981
PLAN 1805 OF 1989

RESERVED FOR REGISTRY USE

MASSACHUSETTS COORDINATE SYSTEM
M.A.D. 1983



N/F
JUDITH COURTNEY 1889 TRUST
DEED BK. 44181, PAGE 286
(ASSESSOR MAP 23 LOT 7)

N/F
DARSH A. PANCHU &
ANASHA PRASHAD-PANCHU
DEED BK. 50387, PAGE 125
(ASSESSOR MAP 23, LOT 8)

N/F
WILLIAM V FETTING &
RITA A FETTING
DEED BK. 27346, PAGE 160
(ASSESSOR MAP 23, LOT 9)

N/F
GREGORY GARSON &
ALLISON CROUSE
DEED BK. 47717, PAGE 98
(ASSESSOR MAP 23 LOT 8D)

LAND OF
JOHN D. NICHOLSON JR. &
CLARE G. NICHOLSON
EASEMENT H: 6,067 ±S.F.
TOTAL AREA: 30,065 ±S.F.

LAND OF
STEPHEN A & PIRJO SLEN
EASEMENT G: 11,782 ±S.F.
TOTAL AREA: 3,028 ±ACRES

N/F
LAWRENCE F &
ERNESTINE D'ANGELO
DEED BK. 12880, PAGE 445
(ASSESSOR MAP 38 LOT 1)

N/F
JOHN & ROBERTA ANN BRACKETT
DEED BK. 39859, PAGE 185
(ASSESSOR MAP 35 LOT 39)

N/F
ADAM J HART &
MARLENE F BOWER
DEED BK. 52148, PAGE 460
(ASSESSOR MAP 38 LOT 2)

N/F
LAUREN B. TROLLA
DEED BK. 41808, PAGE 531
(ASSESSOR MAP 36 LOT 32A)

I CERTIFY TO THE BEST OF MY PROFESSIONAL KNOWLEDGE AND BELIEF THAT THE PROPERTY LINES SHOWN ON THIS PLAN ARE THE LINES DIVIDING EXISTING OWNERSHIPS AND THE LINES OF THE STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED AND THAT NO NEW LINES FOR DIVISION OF EXISTING OWNERSHIP OR FOR NEW WAYS ARE SHOWN. THIS CERTIFICATION IS INTENDED TO MEET REGISTRY OF DEEDS REQUIREMENTS AND IS NOT A CERTIFICATION TO THE TITLE OR OWNERSHIP OF THE PROPERTY SHOWN. CHAPTER 380 OF THE ACTS OF 1966

I FURTHER CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMITY WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

SIGNED: _____ DATE: _____
CRAIG A. VANCURA, PLS FOR: BRYANT ASSOCIATES, INC.

**EASEMENT PLAN OF LAND
IN
MARLBOROUGH, MASSACHUSETTS**

PREPARED FOR
CITY OF MARLBOROUGH
APRIL 15, 2013



BY
BRYANT ASSOCIATES, INC.
90 CANAL STREET, SUITE 301, BOSTON, MA 02114
TEL: 617-248-0300, FAX: 617-248-2212
WWW.BRYANT-ENGRS.COM

0 20 40 80 160
1" = 40 FT.

SURVEY DATE: JAN 2013 DRAWN BY: KNK
CHECKED BY: GJH APPROVED BY: CAV
SHEET 2 OF 3