

CITY OF MARLBOROUGH MEETING POSTING

Meeting Name: City Council Legislative and Legal Affairs Committee

Date: January 9, 2018

Time: 6:30 PM (or Immediately following Conclusion of the Finance Committee Meeting)

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

Agenda Items to be addressed:

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2018 JAN -4 A 11:26

12-18-2017 – **Order No. 17-1007122:** Communication from Mayor Vigeant re: Eminent Domain Order of Taking related to the Public Library project. This proposed taking by eminent domain the fee simple interest in the land at 28 and 29 Witherbee Streets effectively clears the title in both of these properties and relieves the owner of the time and expense to do so and the City's right to clear title by taking was reserved in the purchase and sale agreements for each of these properties.
-REFER TO LEGISLATIVE AND LEGAL AFFAIRS AND CARRY OVER TO THE 2018-2019 LEGISLATIVE SESSION

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., DECEMBER 18, 2017

PAGE 1

ORDERED:

Eminent Domain Order of Taking

WHEREAS, the City Council of the City of Marlborough has determined that the public welfare, safety, and common convenience require that the fee simple interest in certain parcels of land located at 28 Witherbee Street and at 29 Witherbee Street, as more particularly described herein, be taken by eminent domain as general corporate property, confirming and making clear the title of the City of Marlborough to said parcels of land and for other municipal purposes, and that the taking by eminent domain is reasonable and necessary to carry out the aforementioned purposes; and,

WHEREAS, in order to promote the public welfare, safety, common convenience, and necessity, it is necessary to take by Eminent Domain the fee simple interests in the land for the purposes described herein; and,

WHEREAS, all preliminary requirements of Massachusetts General Laws Chapter 79 having been complied with;

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, and in the exercise of the power and authority conferred by said laws, does hereby take by Eminent Domain the fee simple interest in the following described land, including all structures, trees and other vegetation thereon, together with any and all appurtenant easements and interests.

DESCRIPTION OF LAND TAKEN

1. Street address: 28 Witherbee Street, Marlborough, MA 01752

Fee simple interest: Being approximately 16,117 2 square feet, more or less, of land at 28 Witherbee Street, Marlborough, MA, known and numbered as Map 69, Parcel 235 on the Assessors' Map of the City of Marlborough. For further description, see below owners' deed recorded with Middlesex South Registry of Deeds in Book 25364, Page 378.

OWNERS: Katherine A. Ribeiro (fka Katherine R. Ribeiro) and Paulo S. Ribeiro



IN CITY COUNCIL

Marlborough, Mass., DECEMBER 18, 2017

PAGE 2

ORDERED:

2. Street Address: 29 Witherbee Street, Marlborough, MA 01752

Fee simple interest: Being approximately 8,698.93 square feet, more or less, of land at 29 Witherbee Street, Marlborough, MA, known and numbered as Map 69, Parcel 245 on the Assessors' Map of the City of Marlborough. For further description, see below owners' deed recorded with Middlesex South Registry of Deeds in Book 47304, Page 279.

OWNERS: Roy E. Hansen and Eileen Maguire

The ownership of said parcels and each of them are supposed to be as stated herein, but said fee simple interest and each of them are hereby taken whether the ownership is as stated herein or otherwise. Owners have agreed to accept \$1.00 (one dollar) as adequate compensation and damages for this taking, have waived and released the City of Marlborough from all claims resulting from said taking, and have waived their right to appeal or contest said taking.

TABLE OF AWARDS

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

<u>OWNERS</u>	<u>MARLBOROUGH ASSESSORS' MAP/PARCEL</u>	<u>AWARD</u>
Katherine A. Ribeiro (fka Katherine R. Ribeiro) and Paulo S. Ribeiro	69/235	\$1.00
Roy E. Hansen and Eileen Maguire	69/245	\$1.00

Be and is herewith refer to **LEGISLATIVE AND LEGAL AFFAIRS COMMITTEE
& CARRY OVER TO THE 2018 LEGISLATIVE YEAR.**

ADOPTED

ORDER NO. 17-1007122



RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2017 DEC 14 A 11:11

City of Marlborough

Office of the Mayor

140 Main Street

Marlborough, Massachusetts 01752

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www.marlbrough-ma.gov

Arthur G. Vigeant
MAYOR

Nicholas J. Milano
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

December 14, 2017

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

*For
+ Clancy*

Re: Eminent Domain Order of Taking

Honorable President Clancy and Councilors:

Please find enclosed for your review a proposed Eminent Domain Order of Taking related to the library project.

This proposed taking by eminent domain the fee simple interest in the land at 28 and 29 Witherbee streets would effectively clear the title in both of these properties. This relieves the owner of the time and expense to do so and the City's right to clear title by taking was reserved in the purchase and sale agreements for each of these properties.

If the City Council intends to approve this order, it should not do so until after the transfer for the purchase of 28 Witherbee Street is approved.

If you have any questions, please do not hesitate to contact me or Assistant City Solicitor Cynthia Panagore Griffin.

Sincerely,

Arthur G. Vigeant
Mayor

Enclosure

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DESCRIPTION OF LAND TAKEN

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Roy E. Hansen and Eileen Maguire	69/245	\$1.00

ADOPTED
In City Council
Order No. 18-
Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST