

City of Lowell - Law Department

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January 10, 2020

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City Manager Eileen Donoghue
Mayor John J. Leahy
And
Members of the City Council

EMD

Re: Motion response 75 Arcand Drive

Dear Manager Donoghue, Mayor Leahy and Members of the City Council:

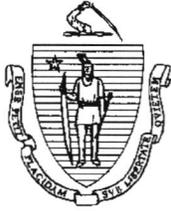
I write in response to a request that “the Manager provide the Council with a report regarding the negotiations and relocation and other charges concerning 75 Arcand Drive.”

Following the City’s taking of 75 Arcand Drive, the owners were paid \$2.6 Million for the value of the property, otherwise known as the pro tanto payment. The City’s payment of \$2.6 Million was based on an appraisal of the property prior to the taking. Pursuant to Massachusetts General Laws owners may seek compensation beyond the pro tanto payment, in essence asserting that the property had a value greater than the pro tanto payment. In the present case, the former owners of 75 Arcand Drive have filed suit in Superior Court challenging the amount paid by the City. The case is in the discovery stage, and the City is currently awaiting responses to its discovery requests. To date no evidence, such as an additional appraisal report, has been presented indicating that the City’s pro tanto award was insufficient. Once discovery is complete, the law department can provide the Council with an additional status report.

With respect to relocation efforts, progress continues to be made pursuant to the State-approved relocation plan. The City of Lowell’s approved relocation plan defines the time period in which occupants are to be relocated, and requires that all compensation for relocation costs in excess of \$50,000 must be approved by the State. To date, two of the Doctors have agreed to relocation figures and, in turn, the State’s Bureau of Relocation has approved the relocation amounts agreed to by the parties. Specifically, the Bureau has approved a relocation payment to Dr. Montminy in the amount of \$129,820.00, and a relocation payment to Dr. Ross in the amount of \$745,792.78. The approval letters are attached. At this point, all of the doctors have now identified new locations, and the City’s relocation expert will continue to work with the Doctors’ relocation expert in reaching settlements as to the remaining relocation claims.

Very truly yours,

Christine P. O'Connor
City Solicitor



Commonwealth of Massachusetts
**DEPARTMENT OF HOUSING &
COMMUNITY DEVELOPMENT**

Charles D. Baker, Governor ♦ Karyn E. Polito, Lt. Governor ♦ Janelle Chan, Undersecretary

March 18, 2019

Ms. Eileen M. Donoghue
Lowell City Manager
City Hall
375 Merrimack Street
Lowell, MA 01852

**Re: Lowell, Lowell High School Project – 75 Arcand Drive
Dr. George Montminy, O.D. – Nonresidential Relocation Claim**

Dear Ms. Donoghue:

On March 12, 2019, the Bureau of Relocation (“Bureau”) received the business relocation claim (final) submitted by Peter W. Sleeper Associates for Dr. George Montminy, O.D. at 75 Arcand Drive in Lowell. The City of Lowell acquired the property at 75 Arcand Drive for the new high school project. According to the claim documentation submitted, Dr. Montminy elected to discontinue his business and his Claim in the amount of \$129,820.00 is a payment for Actual Direct Loss of Personal Property.

Pursuant to 760 CMR 27.04 (4) (k), relocation claims in excess of \$50,000 must be submitted to the Bureau. The regulation provides that the Bureau may disapprove a relocation payment in excess of \$50,000 if it is not legally or factually warranted. Please be advised that the Bureau has reviewed the relocation claim for \$129,820.00, and payment does not warrant disapproval based on the information provided.

Sincerely,

A handwritten signature in cursive script that reads "Maggie Schmitt".

Maggie Schmitt, AICP
Urban Renewal & Relocation Coordinator / Bureau of Relocation

cc: Peter W. Sleeper, Peter W. Sleeper Associates (email)
Christine O'Connor, Kara Keefe Mullin, Conor Baldwin, City of Lowell (email)



Commonwealth of Massachusetts
**DEPARTMENT OF HOUSING &
COMMUNITY DEVELOPMENT**

Charles D. Baker, Governor ♦ Karyn E. Polito, Lt. Governor ♦ Janelle Chan, Undersecretary

December 13, 2019

Ms. Eileen M. Donoghue
Lowell City Manager
City of Lowell
City Hall, 375 Merrimack Street
Lowell, MA 01852

**Re: Lowell, Lowell High School Project – 75 Arcand Drive
Dr. Christopher Ross, D.M.D. – Nonresidential Relocation Claim**

Dear Ms. Donoghue:

On December 4, 2019, the Bureau of Relocation (Bureau) received a business relocation claim submitted by Peter W. Sleeper, Principal, at Peter W. Sleeper Associates recommending payment in the amount of \$745,792.78 for Dr. Christopher Ross at 75 Arcand Drive in Lowell. The City of Lowell acquired the property at 75 Arcand Drive for the new high school project.

Pursuant to 760 CMR 27.04(4)(k), relocation claims in excess of \$50,000 must be submitted to the Bureau before payment is made. The regulation provides that the Bureau may disapprove a relocation payment in excess of \$50,000 if it is not legally or factually warranted. Please be advised that the Bureau has reviewed the relocation claim, and payment of \$745,792.78 does not warrant disapproval based on the information provided.

Sincerely,

A handwritten signature in black ink that reads "Maggie Schmitt".

Maggie Schmitt, AICP
Urban Renewal & Relocation Coordinator / Bureau of Relocation

cc: Peter W. Sleeper, Peter W. Sleeper Associates (email)
Christine O'Connor, Kara Keefe Mullin, Conor Baldwin, City of Lowell (email)