

COMMONWEALTH OF MASSACHUSETTS

CITY OF LOWELL

In City Council

ORDER OF TAKING

To Take by Eminent Domain Permanent and Temporary Easements in certain parcels of Land in the City of Lowell for Municipal Purposes, namely the furtherance of the Andover Street Improvement Project.

The City of Lowell is desirous of improving the roadway on Andover Street;

The City Council of the City of Lowell, in order to accomplish the improvement of said roadway, has the right to exercise its power of eminent domain to acquire certain temporary and permanent easements;

BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF LOWELL as follows:

1. That the City of Lowell, by right of eminent domain, pursuant to the applicable provisions of Massachusetts General Laws, Chapter 79 and also Chapter 610 of the Acts of 1967, and of any and every other power granted or implied, hereby takes permanent and temporary easements in certain parcels hereinafter specified, for the City of Lowell by eminent domain for municipal purposes; to wit, Andover Street Improvement Project;

Said taking by eminent domain is subject to any utility easements to Lowell Gas Company, Mass. Electric Co. or New England Telephone, or the successors of such entities, and any other utility easement as may be recorded at Middlesex North District Registry of Deeds, which easements are specifically excluded from this Order of Taking.

The aforesaid taking of parcels as herein specified are shown on the plan entitled "Plan of Land Andover Street, Lowell, Mass. Feldman Land Surveyors, 152 Hampden Street, Boston, MA 02119, dated, December 23, 2019, Scale: 1" = 20'." which plan shall be recorded with this Order of Taking at Middlesex North District Registry of Deeds, and a copy is attached hereto as Attachment "A".

2. IT IS FURTHER ORDERED that as compensation in full for all damages suffered by or caused to the owner(s) of the said land, with the building thereon, hereby taken, the following sum is hereby awarded for such damages incurred by reason of the taking herein of an easement thereof, reserving the right to amend the award at any time prior to the payment thereof by reason of a change of ownership or for other good cause shown:

Parcels taken and shown and described on Attachment "A" are identified as specified below:

Property Address	Owner's Name	Parcel Number	Deed Reference	Award of Damage
863 Andover St.	Manuel A. & Brenda P. Freitas	TE-1, PUE-1 *Temporary Easement (852 sq. ft.) *Permanent Utility Easement (86 sq. ft.)	Middlesex North District Registry of Deeds Book 32170, Page 281	\$3,900.00
880 Andover St.	Philip R. & Magaly Ronan	TE-3, PUE-3 *Temporary Easement (215 sq. ft.) *Permanent Utility Easement (83 sq. ft.)	Middlesex North District Registry of Deeds Book 19578, Page 23	\$3,900.00
886 Andover St.	Marco Uribe Sierra	TE-5 *Temporary Easement (490 sq. ft.)	Middlesex North District Registry of Deeds Book 31289, Page 209	\$1,400.00
887 Andover St.	Michael Cicione	TE-6, PUE-4 *Temporary Easement (575 sq. ft.) *Permanent Utility Easement (679 sq. ft.)	Middlesex North District Registry of Deeds Book Book 31276, Page 150	\$13,600.00
901 Andover St.	Cynthia L. Doherty	TE-8, PUE-6, *Temporary Easement (368 sq. ft.) *Permanent Utility Easement (377 sq.ft.)	Middlesex North District Registry of Deeds Book Book 30578, Page 1	\$6,400.00

912 Andover St.	Chantha Oum	TE-9 *Temporary Easement (773 sq. ft.)	Middlesex North District Registry of Deeds Book 32077, Page 138	\$1,500.00
919 Andover St.	Cahla J. Ahlstrom & William C. Allen III	TE-10, PUE-7 *Temporary Easement (865 sq. ft.) *Permanent Utility Easement (477 sq. ft.)	Middlesex North District Registry of Deeds Book 26647, Page 202	\$7,000.00
6 Burnham Rd.	Trustees of Burnham Realty Trust (Brian E. Folven and Raymond J. Folven Trustees)	TE-7, PUE-5 *Temporary Easement (1264 sq. ft.) *Permanent Utility Easement (57 sq. ft.)	Middlesex North District Registry of Deeds Book 7328, Page 41	\$4,100.00
10 Dancause Rd.	Yudaya Male & Juliet Nsereko	TE-2, PUE-2 *Temporary Easement (339 sq. ft.) *Permanent Utility Easement (505 sq. ft.)	Middlesex North District Registry of Deeds Book 32203, Page 27	\$9,700.00

11 Dancause Rd.	Robert J. McMahon II & Lyn A. Snow	TE-21 & PUE-14 *Temporary Easement (191 sq.ft.) *Permanent Utility Easement (124 sq. ft.)	Middlesex North District Registry of Deeds Book 32170, Page 281	\$2,700.00
8 Wetherbee Ave.	Margaret T. Mahoney Revocable Trust (Margaret T. Mahoney Trustee)	PUE-15 *Permanent Easement (57 sq. ft.)	Middlesex North District Registry of Deeds Book 25173, Page 131	Donated
TOTAL \$54,250.00				

GRAND TOTAL SUM OF AWARD OF DAMAGES

\$54,250.00

3. IT IS FURTHER ORDERED that the amount of any unpaid encumbrances and/or taxes will be deducted by the City from any award and paid directly to the party entitled thereto.

4. IT IS FURTHER ORDERED that a copy of the Order and related Plans, if any, be recorded forthwith in the Middlesex North District Registry of Deeds, and the Land Registration Section thereof, if applicable, in compliance with MGL Chapter 79.

5. IT IS FURTHER ORDERED that the total sum of FIFTY FOUR THOUSAND TWO HUNDRED FIFTY (\$54,250.00) DOLLARS for the Takings herein of fee in said parcels of land, with the buildings thereon, for all damages caused in connection with such Taking, plus the cost of recordings and other incidental charges related thereto, be charged against the appropriation entitled:

Acquisition Acct # 01514153-528300

Christine Clancy, P.E.
Commissioner of Public Works

Date: February 6, 2020
TO: Eileen Donoghue, City Manager
FROM: Christine Clancy, P.E., DPW Commissioner
**SUBJECT: Andover St and River Road (Tewksbury) Intersection Improvements Project:
Request for City Council to authorize the acceptance of easement donations,
settlements, and authorize the Taking of remaining easements to be secured.**

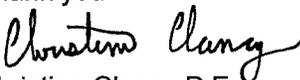
This is a request for City Council to authorize the acceptance of donated and settled easements and for the request that City Council authorize the takings of 9 remaining easements for the MassDOT Andover Street and River Road (Tewksbury) Intersection Improvements project.

MassDOT will be constructing improvements on Andover Street between River Road in Tewksbury and Holbrook Avenue in Lowell. Work includes street resurfacing, roadway widening, sidewalk reconstruction and traffic signal installation at River Road in Tewksbury. As part of this project, the City of Lowell is required to secure both permanent and temporary easements. Of the original 10 easements 1 permanent easement was donated by the property owner. Professional appraisals were completed for each of the remaining permanent and temporary easements. In December 2019, 10 property owners were provided written offers for the remaining 18 permanent and temporary easements. As of February 2020, 9 permanent and temporary easements remained to be obtained. The written notification also included a notice that failure to secure the easements would result in a taking for the appraised easement value.

In order to maintain the project schedule and secure project funding, the remaining 9 easements are proposed as takings for the appraised easement values. The 9 remaining easements include temporary easements to allow for sidewalk and driveway grading and restoration to occur. 4 of the 9 remaining easements also include permanent easements for aerial rights for overhead utility wires.

Please let me know if you have any questions or concerns regarding this request. The City Council's authorization of the acceptance of the easements and takings is vital for the project to remain on schedule and to secure the project funding.

Thank you


Christine Clancy P.E.
Commissioner of Public Works