

COMMONWEALTH OF MASSACHUSETTS

CITY OF LOWELL

In City Council

ORDER

To Vacate, Discontinue and Abandon Certain Public Interests and Rights in a portion of Newell Street in the City of Lowell.

-----

The City of Lowell desires to vacate, discontinue and abandon a portion of Newell Street, hereinafter described; and

There is no further municipal need for said portion of Newell Street be used as a street; and

The City of Lowell desires and finds common convenience and necessity to vacate and discontinue and abandon any and all public interests and rights in the portion of Newell Street, hereinafter described on Attachment "A", annexed hereto made a part hereof; and

Upon abandonment of said public interest in said portion of Newell Street, is in the abutting property owners to the mid-line of said abandoned area and shall henceforth be assessed to said abutters for real estate tax purposes.

BE IT ORDERED, ADJUDGED AND DECREED by the City Council of the City of Lowell as follows:

That common convenience and necessity require that the City of Lowell vacate, discontinue and abandon any and all public interests, rights, in the portion of Newell Street hereinafter described on Attachment "A", annexed hereto and made a part hereof, and shown on the plan hereinafter referred to as Attachment "C", annexed hereto and made a part hereof and the same is hereby discontinued as a public street or way or other public right of way in the City of Lowell.

Also as a further condition and part of this Order, that upon the abandonment and discontinuance herein, that the City of Lowell and its designated utility company shall have the right of easement to maintain, repair, change or re-route all sewer lines, drains, water, electrical, telephone, cable and gas lines at or under said abandoned area, and that such work be performed under the supervision of the Department of Public Works, Engineering, Lowell Regional Water Utility and Lowell Regional Wastewater Utility.

Also, as a further condition and part of this Order is that, upon the abandonment and discontinuance herein, the abutting owners to the mid-line of said abandoned area shall henceforth be picked up for assessment purposes by the City of Lowell Board of Assessors. The abutting owners as shown on the certified Abutters List hereinafter described on Attachment "B", annexed hereto made a part hereof; and

Also as a further condition and part of this Order is that no buildings can be erected on the discontinued area; and

A further condition of said Order shall be recorded forthwith by and at the expense of the Petitioner at the Middlesex North District Registry of Deeds.

Orderabandon-portionnewell

**Description – Attachment “A”**

Beginning on the northerly sideline of Newell Street at the southeasterly corner of Lot 9 and the southwesterly corner of Lot 10 as shown on Plan of Land recorded at the Middlesex North District Registry of Deeds Book of Plans 14, Plan 35.

Thence: southerly Twenty and 00/100 (20.00) feet to the centerline of Newell Street;

Thence: easterly along the centerline of Newell Street One Hundred Thirty Five and 00/100 (135.00) feet to a point;

Thence: northerly Twenty and 00/100 (20.00) feet to a point on the southwesterly corner of Lot 13;

Thence: westerly One Hundred Thirty Five and 00/100 (135.00) feet along the northerly sideline of Newell Street to the point of beginning.

Susan A. LeMay, M.A.A.  
*Chief Assessor*  
Joel H. Coher  
*Assessor*  
Karen A. Golden, M.A.A.  
*Assessor*

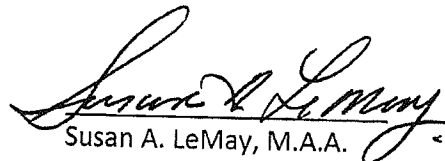
December 22, 2015

City of Lowell Law Department  
375 Merrimack St  
Lowell, MA 01852

To Whom It May Concern:

This is to attest that the individuals described on the attached listing are the certified list of parties in Lowell, MA of the premises located at abandon paper street – Newell Street, Lowell, MA.

Very truly yours,



Susan A. LeMay, M.A.A.  
Chief Assessor  
Board of Assessors

Abutters List – Law Department  
Attachment(s) – 1 pages  
cc: Assessor File

SAL/kr

RE: 704.1 CHELMSFORD ST

LDE ENGLISH APARTMENTS LIMITED PARTNERSHIP  
89 BRIGHTON AVE  
ALLSTON, MA 02134 ✓  
ACCOUNT NUMBER: K01620  
BOOK & PAGE NUMBER: 8505/92

RE: 43 DOANE ST

DOWLING JOHN F  
75 DUNBAR AVE  
LOWELL, MA 01854  
ACCOUNT NUMBER: D14800  
BOOK & PAGE NUMBER: 22602/116  
*OWNER*

RE: 60 NEWELL ST

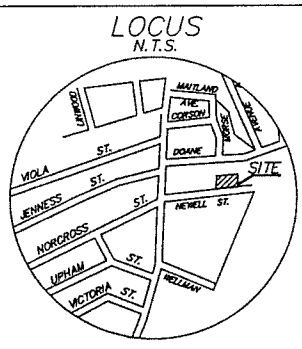
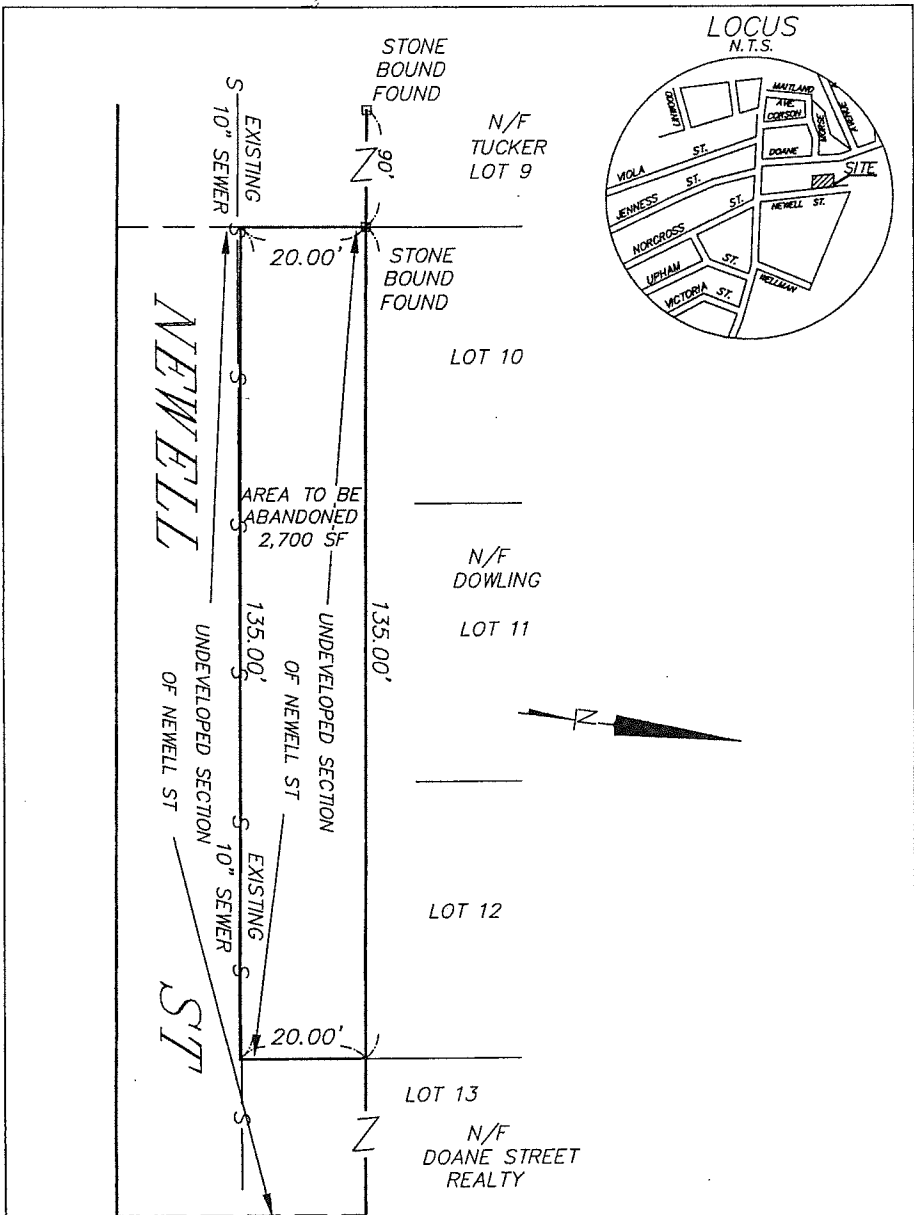
TRS DOANE STREET REALTY TRUST  
SECCHIAROLI GEORGE & GARCIA LEONEL R TRUSTEE  
853 MAIN ST STE 211 ✓  
TEWKSBURY, MA 01876  
ACCOUNT NUMBER: L13240  
BOOK & PAGE NUMBER: 22748/133

RE: 43.1 DOANE ST

DOWLING JOHN F  
75 DUNBAR AVE  
LOWELL, MA 01854 *OWNER*  
ACCOUNT NUMBER: D15135  
BOOK & PAGE NUMBER: 18610/273

RE: 38 NEWELL ST ✓

TUCKER ELIZABETH A  
38 NEWELL ST  
LOWELL, MA 01851-5109  
ACCOUNT NUMBER: M13920  
BOOK & PAGE NUMBER: 19998/121



STREET ABANDONMENT PLAN

	I CERTIFY THAT THE BUILDINGS AND/OR STRUCTURES ARE LOCATED AS SHOWN.	<b>REFERENCE</b> DEED: BOOK: _____ PLAN: BOOK: <u>14</u> PAGE: _____ PAGE: <u>35</u> STREET <u>39-49 DOANE STREET</u> CITY <u>LOWELL, MA.</u> APPLICANT <u>JOHN DOWLING</u>
	REVISED 9-15-2017	DATE <u>2-29-2016</u> SCALE <u>1"=20'</u> JOB# <u>8440</u>
James D. Aho P.L.S.	<b>AHO SURVEYING</b>	62 CRICKET LANE DRACUT, MA. 01826

ATTACHMENT "C"



# City of Lowell - Law Department

375 Merrimack Street, 3<sup>rd</sup> Floor • Lowell MA 01852-5909  
Tel: 978.674.4050 • Fax: 978.453.1510 • [www.lowellma.gov](http://www.lowellma.gov)

---

**Christine P. O'Connor**  
*City Solicitor*

**Rachel M. Brown**  
*1<sup>st</sup> Assistant City Solicitor*

**Lee Holland**  
**Hannah Pappenheim**  
**Elliott J. Veloso**  
**James F. Wellock**  
*Assistant City Solicitors*

November 30, 2017

City Manager Kevin J. Murphy  
Mayor Edward J. Kennedy, Jr.  
Members of the City Council

RE: Order to Abandon portion of Newell Street

Dear Mr. Manager, Mayor Kennedy and Members of the City Council:

Enclosed is an Order for Abandonment of a portion of Newell Street.

The Order of Abandonment must follow the hearing process outlined below:

Procedure for Street Construction or Vacation, under Code of Ordinances of City of Lowell, Article III §243-13, §243-14 and §243-15:

1. Proposed Order of Abandonment is submitted to City Council;
2. Refer Order to a Council Committee or as a Committee of the Whole;
3. City Council sitting as a Committee of the Whole shall hold a public hearing and give notice at least seven (7) days in advance thereof by:
  - (a) posting
  - (b) service by constable on the abutters
4. Committee hearing shall:
  - (a) hear parties
  - (b) view (if requested)
  - (c) report to full Council

November 30, 2017  
City Manager Kevin J. Murphy  
Mayor Edward J. Kennedy Jr.  
Members of the City Council  
Page 2.

5. Report of the Council and the Order issued by the Council shall contain:
  - (a) recommendation to abandon, or not
  - (b) finding of common convenience and necessity
  - (c) report boundaries
6. Order then remains in City Clerk's office for seven (7) days before Council votes thereon; and
7. After seven (7) days Council to hear parties in interest and to vote on the Order of Abandonment.

Very truly yours,



Christine P. O'Connor  
City Solicitor

CPO:order:abandonportionnewell

Encls.

cc: N. Bosonetto– Interim City Engineer  
D. Tradd – DPD  
P. Lucken – DPD  
Planning Board  
S. Lemay-Assessor  
John Dowling, Petitioner