

COMMONWEALTH OF MASSACHUSETTS

CITY OF LOWELL

In City Council

VOTE

Authorizing the City Manager on behalf of the City of Lowell to Accept by Donation or Settlement, property interest in various parcels, in furtherance of the Route 38 Roadway and Intersection Improvement Project.

The City of Lowell is desirous of accepting by easement the various parcels as described in Attachment "A" entitled Route 38 Improvement Project-Acquired Easements, attached hereto and made a part hereof.

BE IT VOTED BY THE CITY COUNCIL OF THE CITY OF LOWELL, as follows:

That the City Manager be and is hereby authorized, in the name of the City of Lowell, to accept by donation or settlement, property interest in various parcels, in furtherance of the Route 38 Roadway and Intersection Improvement Project.

V:re:acceptdonationorsettlement

ROUTE 38 IMPROVEMENTS PROJECT-ACQUIRED EASEMENTS

Property Address	TITLE HOLDER	TITLE REFERENCE			EASEMENT			REMARKS
		BOOK	PAGE	TYPE	AREA			
195 ANDOVER ST	FIRST CHURCH OF CHRIST SCIENTIST	1059	486	TEMPORARY	202 SF	SIDEWALK & STAIRS CONSTRUCTION		
145 BOSTLTON ST	CITY OF LOWELL SCHOOL DEPT.	458	70	TEMPORARY	335 SF	SIDEWALK CONSTRUCTION		
136 CHERBULT ST	RYAN M. ROUBEK	5450	160	TEMPORARY	491 SF	SIDEWALK & DRIVEWAY CONSTRUCTION		
327-329 EAST HERRIMACK ST	THANH & KEALY TONI	26517	26	TEMPORARY	129 SF	SIDEWALK & DRIVEWAY CONSTRUCTION		
356 EAST HERRIMACK ST	356 EAST HERRIMACK ST. REALTY TRUST	22923	182	TEMPORARY	22 SF	SIDEWALK CONSTRUCTION		
388 FAIRMOUNT ST	FAIRMOUNT ST. REALTY TRUST	189	345	TEMPORARY	222 SF	SIDEWALK & DRIVEWAY CONSTRUCTION		
376 FAIRMOUNT ST	NEWTON R. AKASHIAN SR. LIVING TRUST	5644	12	TEMPORARY	243 SF	SIDEWALK & DRIVEWAY CONSTRUCTION		
2 HOSPITAL DRIVE	LOWELL GENERAL HOSPITAL	26153	19	TEMPORARY	282 SF	TRAFFIC SIGNAL EQUIPMENT		
6 LAUREL ST	FAIRMOUNT ST. REALTY TRUST	8936	83	TEMPORARY	797 SF	SIDEWALK & DRIVEWAY CONSTRUCTION		
105 NESMITH ST	ROBERT W. JACOBS	20787	136	TEMPORARY	55 SF	STONE WALK, CURB, & FENCE WORK		
19 NESMITH ST	BROUILLETTE FAMILY TRUST	14764	257	TEMPORARY	327 SF	SLOPE, DRIVEWAY, SIDEWALK & WALK CONSTRUCTION		
20 NESMITH ST	JOSEPHINE MCGRAITH	2378	579	TEMPORARY	185 SF	SIDEWALK CONSTRUCTION		
24 NESMITH ST	BRYAN COWELL	10184	195	TEMPORARY	91 SF	SIDEWALK CONSTRUCTION		
25 NESMITH ST	25 NESMITH REALTY TRUST	24376	70	TEMPORARY PERMANENT	1008 SF 80 SF	SLOPE, DRIVEWAY & SIDEWALK CONSTRUCTION UTILITY GUY TO REMAIN ON PROPERTY		
43 NESMITH ST	DJM PROPERTIES LLC	22896	113	TEMPORARY	486 SF 1 SF	AREA TO BECOME PART OF SIDEWALK SIDEWALK CONSTRUCTION		
44 NESMITH ST	CITY OF LOWELL PARK DEPT.	-	-	TEMPORARY	1153 SF	SIDEWALK CONSTRUCTION		
53 NESMITH ST	BISON PROPERTIES LLC	16318	199	PERMANENT	1266 SF	OVERHEAD WIRES TO REMAIN OVER PROPERTY		
61 NESMITH ST	KEVIN & CYNTHIA FERRAULT	9913	62	TEMPORARY	848 SF	SIDEWALK & DRIVEWAY CONSTRUCTION		
73 NESMITH ST	FENGBAO XU	28475	110	TEMPORARY PERMANENT	398 SF 276 SF 174 SF	SIDEWALK & DRIVEWAY CONSTRUCTION SIDEWALK CONSTRUCTION / MAST ARM & PEDESTRIAN SIGNAL		
502 ROGERS ST	CITY OF LOWELL FIRE DEPARTMENT	857	28	TEMPORARY PERMANENT	135 SF 600 SF 3560 SF	OVERHEAD WIRES TO REMAIN OVER PROPERTY SIDEWALK & DRIVEWAY CONSTRUCTION AREA WILL BECOME PART OF THE ROADWAY		
517 ROGERS ST	RICHARD N. NAMAY JR.	2300	1	TEMPORARY	50 SF	SIDEWALK CONSTRUCTION		
688 ROGERS ST	SOTHIROU REALTY TRUST	10240	186	TEMPORARY	78 SF	SIDEWALK CONSTRUCTION		
700 ROGERS ST	CLEMPENTINE F. ALEXIS (Tr's William M Alexis T	7082	249	PERMANENT	150 SF	MAST ARM AND PED POLE CONSTRUCTION		
711 ROGERS ST	SLEIMAN CORPORATION	18230	46	TEMPORARY PERMANENT	122 SF 176 SF 94 SF	MAST ARM CONSTRUCTION MAST ARM CONSTRUCTION OVERHEAD WIRES TO REMAIN OVER PROPERTY		

11/11



Christine Clancy, P.E.
City Engineer

Date: August 23, 2018

TO: Eileen Donoghue, City Manager

FROM: Christine Clancy, P.E., City Engineer and Jim Donison, P.E., DPW Commissioner

SUBJECT: Rt. 38 Roadway Roadway and 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 6 remaining easements for the MassDOT Route 38 Roadway and Intersection Improvements Project.

MassDOT will be constructing improvements including street resurfacing, traffic signal upgrades, roadway widening on Nesmith Street, additional plantings in Kittredge Park, and sidewalk reconstruction along areas of Route 38 between Phoenix Avenue and East Merrimack Street. As part of this project, the City of Lowell is required to secure both permanent and temporary easements. Professional appraisals were completed for each permanent and temporary easement. A total of 44 original permanent easements and temporary easements were pursued. As of July 2018, 16 permanent and temporary easements remained to be obtained. 16 property owners were provided written offers for the permanent and temporary easements in July 2018. The written notification also included a notice that failure to secure the easements would result in a taking for the appraised easement value. 6 easements remain to be secured.

In order to maintain the project schedule and secure project funding, the remaining 6 easements are proposed as takings for the appraised easement values. The 6 remaining easements include temporary easements to allow for sidewalk and driveway grading and restoration to occur. 3 of the 6 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