

COMMONWEALTH OF MASSACHUSETTS

CITY OF LOWELL

In City Council

ORDER

To Vacate, Discontinue and Abandon Certain Public Interests, Rights and Easements in a portion of Delaware Avenue in the City of Lowell.

The City of Lowell desires to vacate, discontinue and abandon a portion of Delaware Avenue more fully hereinafter described; and

There is no further municipal need for said portion of Delaware Avenue to 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, rights and easements in the portion of Delaware Avenue, hereinafter described on Attachment "A", annexed hereto made a part hereof; and

Upon abandonment of said public interest in said portion of Delaware Avenue title free of said public easements 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 and easements, if any, in the portion of Delaware Avenue hereinafter described as the Encroachment Easement, annexed hereto as Attachment "A" and made a part hereof.

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 reroute 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, said Order and all attachments shall be recorded forthwith by and at the expense of the Petitioner at the Middlesex North District Registry of Deeds.

Order/abandonDelaware

EXHIBIT A

DESCRIPTION OF ENCROACHMENT EASEMENT

163 PAWTUCKET BOULEVARD, LOWELL, MA.

Beginning at a point on the easterly sideline of Delaware Avenue. Said point being North 29°23'02" West and 66.50 feet distant from the intersection of the easterly sideline of Delaware Avenue with the northerly sideline of Pawtucket Boulevard.

Thence running North 48°47'47" West a distance of 10.85 feet to a point.

Thence turning and running North 41°12'13" East a distance of 3.82 feet to a point at Lot B on the easterly sideline of said Delaware Avenue.

Thence turning and running along the easterly sideline of said Delaware Avenue and said Lot B South 29°23'02" East a distance of 11.50 feet to the point of beginning.

Said Encroachment Easement contains 21 square feet, more or less, and is shown as Encroachment Easement on a plan entitled "Encroachment Plan of Land" in Lowell, Massachusetts, prepared by Land Engineering & Environmental Services, Inc., One Bridgeview Circle, Tyngsboro, MA dated September 25, 2024.



March 25, 2025

City Manager Thomas A. Golden, Jr.
Mayor Daniel Rourke
Members of the City Council

RE: Order to Abandon Portion of Delaware Avenue

Dear Manager Golden, Mayor Rourke, and Members of the City Council:

Enclosed is an Order for Abandonment of Portion of Delaware Avenue.

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
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

March 25, 2025

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Mayor Daniel Rourke

Members of the City Council

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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,

Corey Williams
City Solicitor

cc: Ting Chang – City Engineer
Yovani Baez-Rose – DPD
Planning Board
Ellen Brideau – Assessor

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