

COMMONWEALTH OF MASSACHUSETTS

CITY OF LOWELL

In City Council

VOTE

Authorizing the City Manager in the name and behalf of the City of Lowell, to Accept Certain Parcels of Land, situate: Parcel 1A and Parcel 1B also known as certain portions of 190 Plain Street, Lowell, MA from the Veterans of Foreign Wars.

The Veterans of Foreign Wars is the owner of two (2) parcels situate: Parcel 1A and Parcel 1B also known as certain portions of 190 Plain Street in the City of Lowell, more fully described in attachment "A" and "B"; and

The Veterans of Foreign Wars c/o James H. Golden desires to convey the aforementioned properties to the City of Lowell; and

The City of Lowell desires to purchase the two (2) parcels from The Veterans of Foreign Wars c/o James H. Golden; and

The purchase price for Parcel 1A and Parcel 1B also known as portions of 190 Plain Street, Lowell, MA is ONE (\$1.00) DOLLAR.

BE IT VOTED BY A TWO-THIRDS VOTE OF THE CITY COUNCIL OF THE CITY OF LOWELL, as follows:

The City Manager be and he is hereby authorized in the name of the City of Lowell, to accept two parcels of land from The Veterans of Foreign Wars c/o James H. Golden said parcels situate: Parcel 1A and Parcel 1B also known as certain portions of 190 Plain Street in the City of Lowell for the total sum of ONE (\$1.00) DOLLAR and further authorized to execute all documents necessary for the transfer of the property, including, but not limited to, Purchase and Sale agreement, and any other related documents pertaining to the sale and transfer of said properties consistent with this vote.

BE IT FURTHER VOTED:

That upon conveyance, a certified copy of this Vote and the Deeds from The Veterans of Foreign Wars c/o James H. Golden to the City of Lowell shall be duly recorded in the Registry of Deeds by the City Manager, or anyone to whom he shall delegate this duty, all at the expense of the grantee.

A certain parcel of land, with all improvements thereon, located in Lowell, Middlesex County, Massachusetts, situated Northerly of Plain Street being shown as Parcel 1A on a plan entitled "TBD"

Beginning at a point on the northerly sideline of Plain Street, said point being the southwesterly corner of the parcel described hereon. Thence;

Along the land now or formerly D, P & W Trust the following two courses;

N 20°22'45" E one hundred thirty nine and 02/100 feet (139.02') to a point,

N 60°08'58 E" thirty five and 06/100 feet (35.60') to a point. Thence;

Along the land now or formerly of Veterans of Foreign Wars the following two courses;

S 16°55'44" W one hundred thirty three and 34/100 feet (133.34') to a point,

Along a curve to the left having a radius of thirty six and 26/100 feet (36.26'), length of thirty six and 99/100 feet (36.99'), chord bearing of S 12°47'57" E and a chord distance of thirty five and 40/100 feet (35.40') to a point on the northerly sideline of Plain Street. Thence;

Along the northerly sideline of Plain Street

N 73°19'48" W forty nine and 93/100 feet (49.93') to the point of beginning.

Said parcel 1A containing 4,376 sq ft +/-

11A

A certain parcel of land, with all improvements thereon, located in Lowell, Middlesex County, Massachusetts, situated westerly of Plain Street being shown as Parcel 1B on plan entitled "TBD"

Beginning at the southeast corner of the parcel described hereon, said point being also the northeast corner of land now or formerly Veterans of Foreign Wars. Thence;

Along land now or formerly of Veterans of Foreign Wars

N 76°10'55" W ninety seven and 89/100 feet (97.89') to a point. Thence;

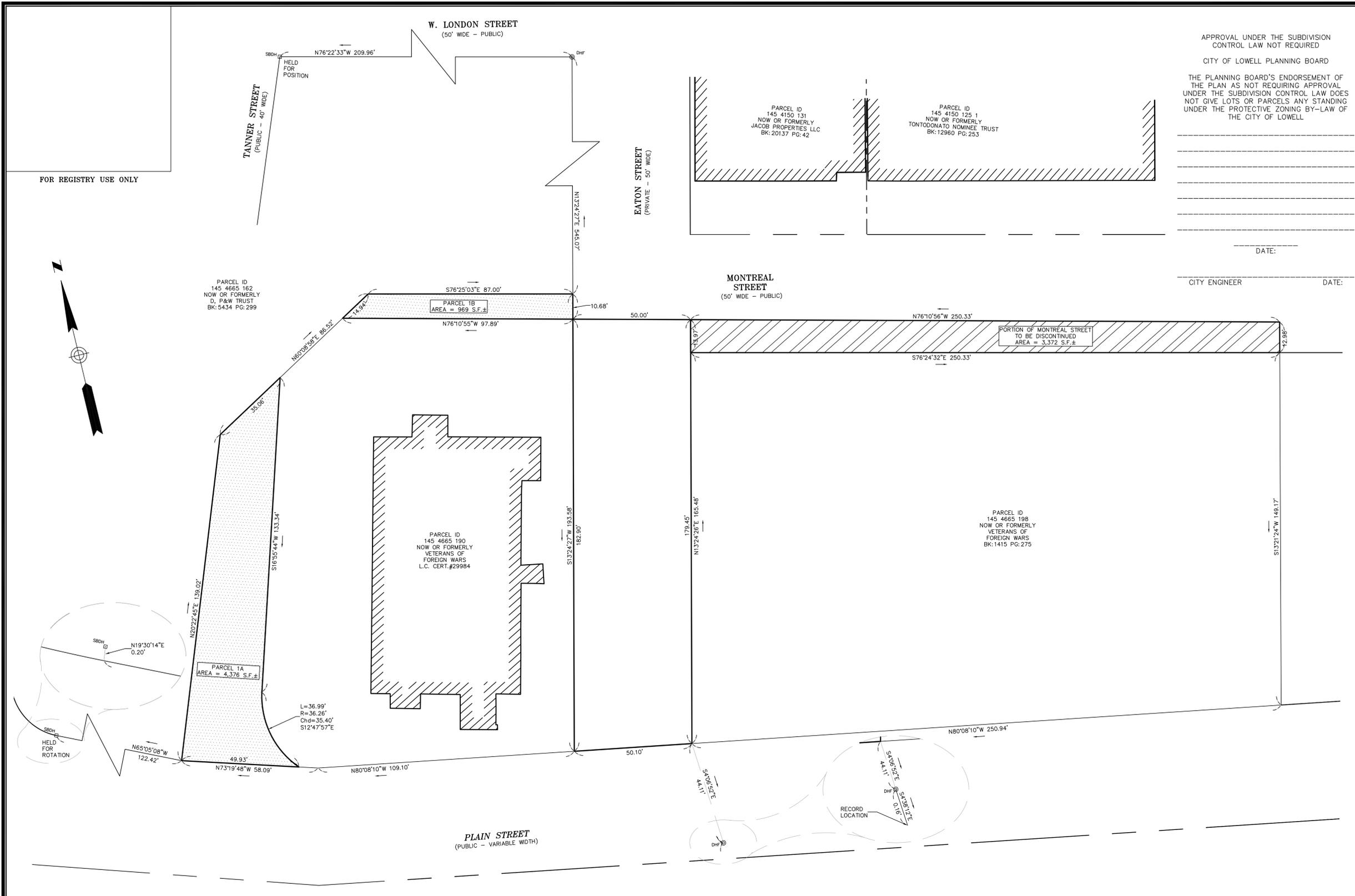
N 60°08'58" E fourteen and 94/100 feet (14.94') to a point. Thence;

S 76°25'03" E eighty seven and 00/100 feet (87.00') to a point on the westerly sideline of Eaton Street. Thence along the westerly sideline of Eaton Street,

S 13°24'27" W ten and 68/100 feet (10.68') to the point of beginning.

Said parcel 1B containing 969 sq ft +/-.

"B"



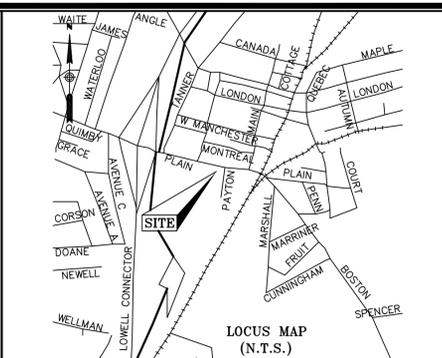
APPROVAL UNDER THE SUBDIVISION CONTROL LAW NOT REQUIRED

CITY OF LOWELL PLANNING BOARD

THE PLANNING BOARD'S ENDORSEMENT OF THE PLAN AS NOT REQUIRING APPROVAL UNDER THE SUBDIVISION CONTROL LAW DOES NOT GIVE LOTS OR PARCELS ANY STANDING UNDER THE PROTECTIVE ZONING BY-LAW OF THE CITY OF LOWELL

DATE: _____

CITY ENGINEER: _____ DATE: _____



LOCUS MAP (N.T.S.)

NOTES

- THIS PLAN WAS PREPARED FROM AN ACTUAL ON THE GROUND FIELD SURVEY CONDUCTED BY WSP BETWEEN JUNE 29 AND JULY 7, 2015 AND BETWEEN JANUARY 17 AND FEBRUARY 2, 2017.
- THE HORIZONTAL DATUM SHOWN HEREON REFERENCES THE MASSACHUSETTS STATE PLANE COORDINATE SYSTEM NAD83.
- THE DRILL HOLE SHOWN ON THE SOUTHERN SIDE OF PLAIN STREET REFERENCES A CONTROL POINT SHOWN ON PLAN REFERENCE #1.

- PLAN REFERENCES**
- NORTH MIDDLESEX REGISTRY OF DEEDS
- "PLAN OF LAND IN LOWELL, MA" PREPARED FOR MALEV REALTY TRUST DATED JULY 10, 1989 AND RECORDED IN PLAN BOOK 172 PLAN 103.
 - "PLAN OF LAND IN LOWELL, MA" PREPARED FOR MALEV REALTY TRUST DATED OCTOBER 25, 1990 AND RECORDED IN PLAN BOOK 175 PLAN 37.
 - "ACTIVITY AND USE LIMITATION PLAN" PREPARED FOR THE TANNER CORPORATION DATED OCTOBER 10, 2008 AND RECORDED IN PLAN BOOK 228 PLAN 49.
 - "SUBDIVISION PLAN OF LAND IN LOWELL" DATED FEBRUARY 16, 1960 RECORDED WITH THE LAND COURT AS PLAN NUMBER 5770F.
 - "SUBDIVISION PLAN OF LAND IN LOWELL" DATED FEBRUARY 16, 1960 RECORDED WITH THE LAND COURT AS PLAN NUMBER 5770G.
 - "SUBDIVISION PLAN OF LAND IN LOWELL" DATED FEBRUARY 16, 1960 RECORDED WITH THE LAND COURT AS PLAN NUMBER 5770H.
 - "SUBDIVISION PLAN OF LAND IN LOWELL" DATED JULY 10, 1989 RECORDED WITH THE LAND COURT AS PLAN NUMBER 42E.
 - "SUBDIVISION PLAN OF LAND IN LOWELL" DATED JULY 10, 1989 RECORDED WITH THE LAND COURT AS PLAN NUMBER 42F.
 - "SUBDIVISION PLAN OF LAND IN LOWELL" DATED JULY 10, 1989 RECORDED WITH THE LAND COURT AS PLAN NUMBER 7947A.
 - "SUBDIVISION PLAN OF LAND IN LOWELL" DATED JULY 10, 1989 RECORDED WITH THE LAND COURT AS PLAN NUMBER 7947B.
 - "SUBDIVISION PLAN OF LAND IN LOWELL" DATED JUNE 7, 1960 RECORDED WITH THE LAND COURT AS PLAN NUMBER 3968B.
 - "SUBDIVISION PLAN OF LAND IN LOWELL" DATED JULY 10, 1989 RECORDED WITH THE LAND COURT AS PLAN NUMBER 12187B.
 - "COMPILED PLAN OF LAND IN LOWELL, MA" DATED AUGUST 26, 1983 RECORDED AT THE REGISTRY OF DEEDS IN PLAN BOOK 140 PLAN 118.
 - "PLAN OF TANNERS STREET" ON FILE AT THE CITY OF LOWELL ENGINEERING OFFICE. (2 SHEETS)
 - "PLAN AND PROFILE OF TANNER STREET" DATED SEPTEMBER 1891 ON FILE AT THE CITY OF LOWELL ENGINEERING OFFICE.
 - "PLAN AND PROFILE OF LINCOLN STREET" ON FILE AT THE CITY OF LOWELL ENGINEERING OFFICE.
 - "PLAN AND PROFILE OF LONDON AND EATON STREET" DATED 1888 ON FILE AT THE CITY OF LOWELL ENGINEERING OFFICE.

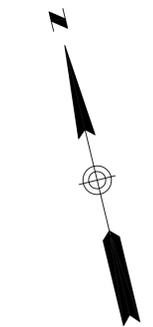
| REVISION | |
|----------|-------------|
| DATE | DESCRIPTION |
| | |

TAKING PLAN
PLAIN STREET & TANNER STREET
LOWELL, MASSACHUSETTS
PREPARED FOR
WATERMARK



| | | |
|----------------------------|-----------------------|------------------|
| Drawn By MS | Date OCTOBER 27, 2017 | Job No. 188037A |
| Surveyed By MS,CG,TC,TO,BC | Checked By DPP | Scale: 1"=20' |
| Book No. N-273 | | Sheet No. 1 OF 4 |

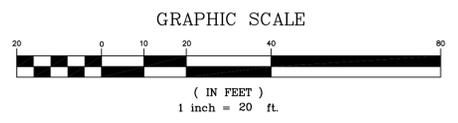
FOR REGISTRY USE ONLY



CERTIFICATION:
I FURTHER CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN ACCORDANCE WITH THE RULES AND REGULATIONS FOR RECORDING AT THE REGISTRY OF DEEDS.



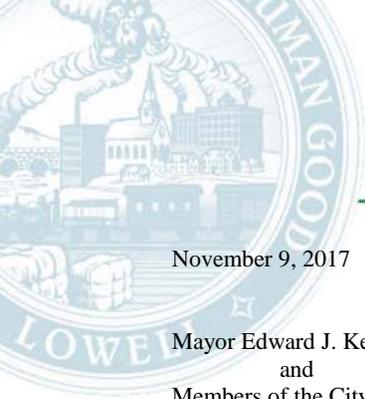
DAVID P. PRINCE, P.L.S.
REG. NO. 52328
WSP USA, Inc.



LEGEND

| | |
|-------|-------------------------------|
| DRH@ | DRILL HOLE FOUND |
| SRDH@ | STONE BOUND WITH DRILL HOLE |
| --- | ABUTTERS LOT LINE |
| --- | PROPERTY LINE |
| --- | RIGHT-OF-WAY |
| --- | TAKING BY THE CITY OF LOWELL |
| --- | AREA OF STREET DISCONTINUANCE |

188037A-3.dwg



November 9, 2017

Kevin J. Murphy
City Manager

Mayor Edward J. Kennedy
and
Members of the City Council

Dear Mayor Kennedy and Members of the City Council:

For approximately three years, the City has been working diligently to implement the first steps in the Ayer's City Industrial Park Urban Revitalization and Development Project voted by the City Council on April 29, 2014. The Project defines the southern gateway to Ayer's City Industrial Park at the intersection of Plain and Tanner Streets as being a first needed step to accessing the value of future economic development in this area. It clearly identifies that upgrades to this area and intersection will play an important role in improving the economic attractiveness and values of the available redevelopment sites.

As part of this effort, the City has continued to work to find the resources to implement the engineering and obtain the necessary approvals to move forward. In 2016, through a special State Budget Amendment filed by Representative David Nangle (D-Lowell), the City received \$250,000 for planning and design of this intersection. The catalyst effect of these newly injected State funds assisted the City Manager, through the Department of Planning and Development (DPD), to successfully proceed with Phase 1 and negotiate with the first abutter, VFW Post 662. This negotiation led to an agreement that, if approved by the City Council, will allow the City to purchase approximately 32 feet of land at the intersection of Plain and Tanner Streets, and a significantly smaller parcel along Montreal Street. This purchase will allow the City to move forward with the realignment, intersection construction, and signalization of Tanner Street and Plain Streets. The City Manager also directed DPD to retain Watermark Engineering of Lowell to provide their professional engineering skills to finalize this Phase 1 section of the project. Watermark is now proceeding with designing Phase 1.

Several years of discussions have now finally yielded an agreement with VFW Post 662 including an offer by the City to purchase approximately 6,200 sq. ft. of VFW land. This purchase will accomplish two goals. First, it will allow the VFW to proceed in building a new structure to house the operations of Post #662. Second, it will allow the City to proceed with the next steps for intersection realignment and signalization at Plain and Tanner Streets when funding becomes available through the Commonwealth of Massachusetts. Throughout this process, VFW President Joseph Dussault and Quartermaster James Golden have worked closely with DPD, Development Services, City Transportation and City Engineers, and the Inspectional Services staff. The attached Vote will allow the purchase of the needed VFW property and accomplish the first step in Phase 1 of the Ayer's City Plan.

In addition, to also accomplish this part of Phase 1, as stated above, the City is requesting to abandon a portion of Montreal Street to align and add the installation of a sidewalk for neighborhood pedestrian use leading to and from the main intersections at Tanner and Plain Streets. This will now add a new upgrade for the safety of neighborhood walking and bicycle residents while simultaneously improving the safety and effectiveness of City snow plowing and winter street clearing along Montreal Street. Following an approval for abandonment, the vote will authorize the City Manager to sell approximately 3,372 sq., ft., to the VFW Post #662. If you have any questions please feel free to contact Kevin Coughlin, Deputy Director at 978-674-1402 or me.

The Law Department has prepared the necessary votes for your approval. If approved by the City Council, the Law Department will prepare and execute a legal purchase and sale agreement with the VFW and proceed accordingly.

Sincerely,

Kevin J. Murphy
City Manager

KJM/ns
Attachment

cc: Christine P. O'Connor, City Solicitor
Diane N. Tradd, Assistant City Manager/DPD Director
Kevin Coughlin, Deputy Director