

COMMONWEALTH OF MASSACHUSETTS

CITY OF LOWELL

In City Council

LOAN ORDER – LAND ACQUISITION BONDS

To borrow \$2,600,000 to pay costs to acquire, by purchase, eminent domain or otherwise, the following property [*75 Arcand Drive, Lowell, MA*] to serve as the site of the new High School, and for the payment of any other costs incidental and related thereto.

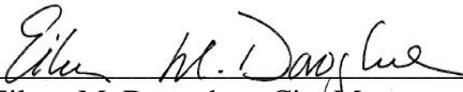
IT IS ORDERED BY THE CITY COUNCIL OF THE CITY OF LOWELL BY A TWO-THIRDS VOTE as follows:

Ordered: That the City is authorized to acquire, by purchase, eminent domain or otherwise, the following property [*75 Arcand Drive, Lowell, MA*] to serve as the site of the new High School.

That the sum of \$2,600,000 is appropriated to pay costs of acquiring the property described above, and that to meet this appropriation the Treasurer, with the approval of the City Manager, is authorized to borrow \$2,600,000 and to issue bonds or notes therefor under M.G.L. c. 44, §7(1) or any other enabling authority; that the City Manager is authorized to contract for and expend any federal or state aid available for this purpose; that the City Manager is authorized to take any action necessary to carry out the purposes of this order; and that the Treasurer is authorized to file an application with the Municipal Finance Oversight Board to qualify any or all of the bonds under M.G.L. c.44A and to provide such information and execute such documents as such board may require for these purposes.

Any premium received upon the sale of any bonds or notes approved by this loan order, or upon the sale of any other bonds or notes approved by any other loan order of the City adopted prior to the date of this loan order, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with M.G.L. c. 44, §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

ORDER RECOMMENDED AND INTRODUCED BY:



Eileen M. Donoghue, City Manager



Eileen M. Donoghue
City Manager

September 20, 2018

Mayor William J. Samaras
And
Members of the Lowell City Council

Dear Mayor Samaras and Members of the Lowell City Council,

Enclosed is a vote to authorize a loan order in the amount of \$2.6 million to fund the land acquisition costs associated with the eminent domain process for the LHS project. As the Council is aware, a number of steps are required by statute which must be satisfied in order to perfect a taking. Two such steps include an award of damages based on at least one appraisal of the fair market value of the property at the time of the taking and an award of reasonable moving costs of personal property within 60 days from the date damages vests.

In the Board of the Massachusetts School Building Authority's (the "MSBA") action letter to the City of Lowell dated June 27, 2018, Executive Director John McCarthy stressed that the vote by the MSBA to proceed into schematic design was, "contingent upon the City gaining full ownership, control, and exclusive use of the entire site, including the adjacent property by eminent domain."

The City and its relocation specialist have since finalized the relocation plan to be submitted to the Massachusetts Bureau of Relocation pursuant to 760 CMR 27.03(1). Pursuant to 760 CMR 27.03(3), a relocation plan must be submitted to the Bureau at least forty-five days prior to the anticipated date of property acquisition. The City is currently positioned to meet that timeline and the accompanying loan order will provide the necessary funding source to move forward with the project.

Sincerely,

Eileen M. Donoghue
City Manager

cc: Conor Baldwin, Chief Financial Officer
Kara Keefe Mullin, Assistant City Manager
Christine O'Connor, City Solicitor