

COMMONWEALTH OF MASSACHUSETTS

CITY OF LOWELL

In City Council

ORDER OF TAKING  
83 PEVEY STREET

To Take by Eminent Domain a certain parcel of Land in the City of Lowell (“City”) for Municipal Purposes, pursuant to G.L.c.83, §1 so that the City may lay out, construct, maintain and operate a system of sewers and drains in public and/or private ways as it is necessary for public convenience and/or the public health and to comply with a federal Consent Decree.

-----

The City of Lowell is upgrading its facilities with respect to its Combined Sewer System, whereby new underground sewer pipes and a storage facility will be installed in the area in order to prevent the discharge of raw sewerage during wet weather; and

The City Council of the City of Lowell has the right to exercise its power of eminent domain that are necessary as part of the City’s upgrades to its Combined Sewer System;

BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF LOWELL as follows:

1. That the City of Lowell, by right of eminent domain, pursuant to the applicable provisions of Massachusetts General Laws, Chapter 79 and Chapter 121B and also Chapter 610 of the Acts of 1967, and of any and every other power granted or implied, hereby takes a portion of 83 Pevey Street, in a parcel hereinafter specified, for the City of Lowell by eminent domain for municipal purposes; to wit, pursuant to G.L.c.83, §1 so that the City may lay out, construct, maintain and operate a system of sewers and drains in public and/or private ways as it is necessary for public convenience and/or the public health.
2. The aforesaid friendly taking of said parcel, consisting of 928± sq. ft.,(Parcel 2) as herein specified is shown on the plan entitled “Plan of Land in the City of Lowell Prepared by Hancock Associates, August 9, 2017”, which plan shall be recorded with this Order of Taking at Middlesex North District Registry of Deeds, and a copy is attached hereto as Attachment "B". Said attachment is incorporated by reference and made a part of this Order. Further, a property description of said portion of 83 Pevey Street is attached hereto as Attachment “A”. The Description is incorporated by reference and made a part of this Order.

3. IT IS FURTHER ORDERED that as compensation in full for all damages suffered by or caused to the owner of the said land, hereby taken, the following sum is hereby awarded for such damages incurred by reason of the taking herein, reserving the right to amend the award at any time prior to the payment thereof by reason of a change of ownership or for other good cause shown:

Parcels taken and shown on Attachment "A" and "B" are identified as specified below:

<b>TOTAL SQUARE FOOTAGE</b>	<b>PROPERTY ADDRESS</b>	<b>OWNER'S NAME</b>	<b>MONETARY AWARD FRIENDLY TAKING</b>
928 sq. ft±	83 Pevey Street "Parcel 2"	Trs. of the Thompson Family Trust Book 18400 Page 289.	\$1,688.96
<b>TOTAL</b>			<b>\$1,688.96</b>

-----

GRAND TOTAL SUM OF AWARD OF DAMAGES \$1,688.96

4 It is further Ordered that the amount of any unpaid encumbrances and/or taxes will be deducted by the City from any award and paid directly to the party entitled thereto.

5. IT IS FURTHER ORDERED that a copy of the Order, related Plan and Description, be recorded at the Middlesex North District Registry of Deeds, and the Land Registration Section, if applicable, in compliance with MGL Chapter 79.

6. IT IS FURTHER ORDERED that the total sum of ONE THOUSAND SIX HUNDRED EIGHTY EIGHT AND 96/100 DOLLARS (\$1,688.96) for the Taking herein of said parcel of land for all damages caused in connection with such Taking, plus the cost of recordings and other incidental charges related thereto, be charged against the appropriation entitled.

60000075 573006

## **EXHIBIT "A"**

### **DESCRIPTON (PARCEL 2) 83 PEVEY STREET**

The land in said Lowell, Middlesex County, Massachusetts, situated on the northerly side of Pevey Street and being shown as Parcel 2 on a plan of land entitled "Plan of Land in the City of Lowell Prepared by Hancock Associates, August 9, 2017" which plan is recorded in Middlesex North District Registry of Deeds, Plan Book \_\_, Plan \_\_ and being bounded and described as follows:

Beginning at a point on the northerly line of Pevey Street, said point being a distance of Three Hundred Seventy Five and 77/100 (375.77) feet northeasterly from the point of intersection of the northerly line of Pevey Street and the easterly line of Walker Street.

Thence: N20° 57' 15"W northwesterly, Sixty Eight and 16/100 (68.16) feet to a point;

Thence: S50° 03' 57"E southeasterly, Seven and 40/100 (7.40) feet to a point;

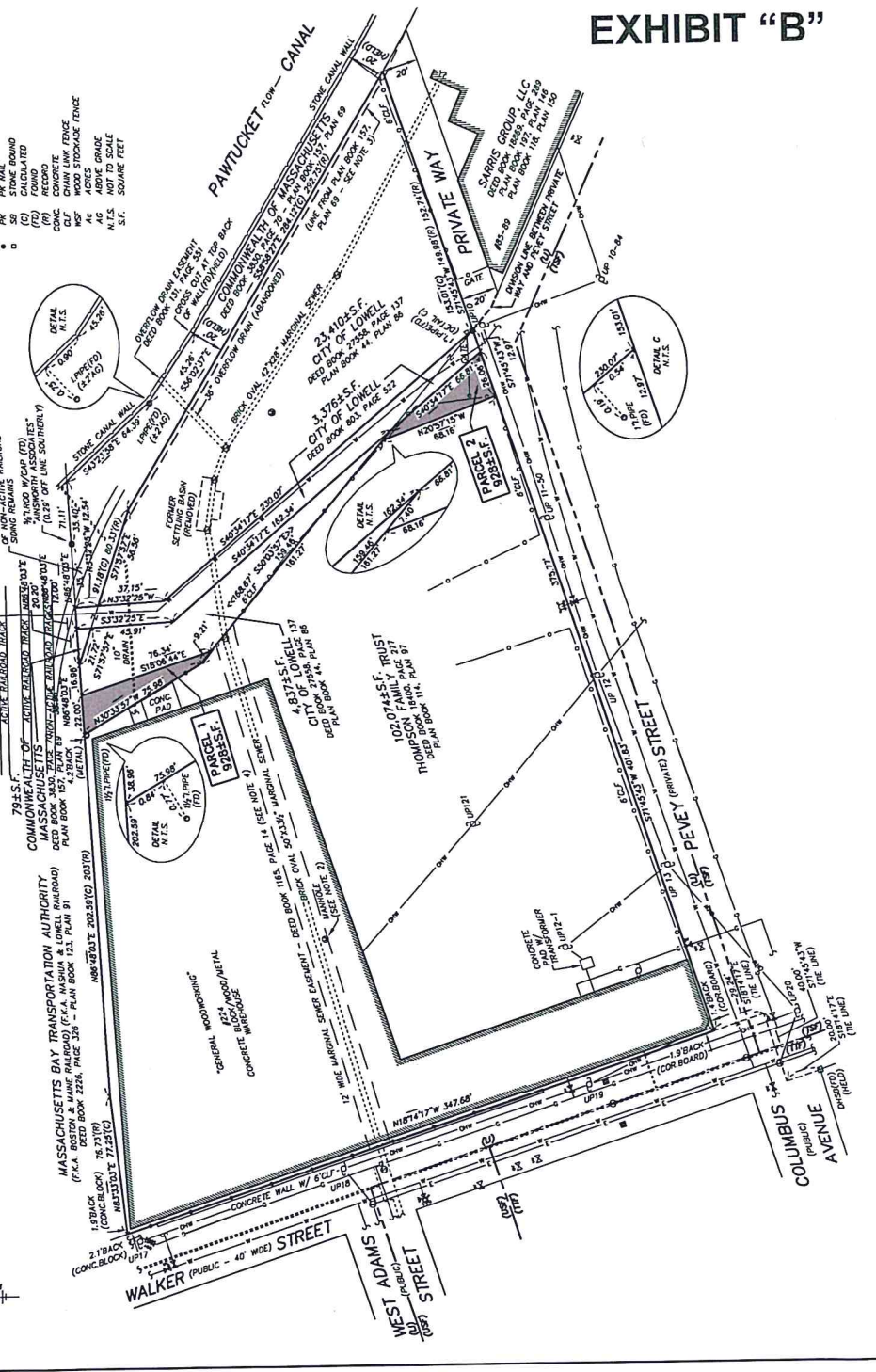
Thence: S40° 34' 17"E southeasterly, Sixty Six and 81/100 (66.81) feet to a point;

Thence: S71° 45' 43"W southwesterly, Twenty Six and 06/100 (26.06) feet to the point of beginning;

Said Parcel 2 contains Nine Hundred Twenty eight (928±) square feet according to said plan.

<p><b>PROJECT LOCATION</b></p> <p>LOWELL, MASSACHUSETTS</p> <p>WALKER STREET &amp; PEVEY STREET</p> <p>LOWELL, MASSACHUSETTS</p>	<p><b>OWNERSHIP INFORMATION</b></p> <p><b>RECORD OWNER</b> FAMILY TRUST PARCEL ID: 0102 4680 0000 ASSESSORS PARCEL ID: 0102 4680 0000 ADDRESS: WALKER STREET &amp; 80 PEVEY STREET RECORDS DEED BOOK 1800 PAGE 37 PLAN 89 (SEWER EASEMENT) DEED BOOK 114, PLAN 97</p> <p><b>RECORD OWNER</b> LOWELL ASSESSORS PARCEL ID: 0102 4620 0001 0000 ADDRESS: 37 PEVEY STREET RECORDS DEED BOOK 2358, PAGE 137 DEED BOOK 709, PAGE 52 (WALKWAY RIGHTS) DEED BOOK 121, PAGE 251 (SEWER RIGHTS)</p> <p><b>RECORD OWNER</b> CITY OF LOWELL ASSESSORS PARCEL ID: 0102 4620 0009 0000 PARCEL ID: 0102 4620 0010 0000 PARCEL ID: 0102 4620 0011 0000 ADDRESS: 871 &amp; 101 PEVEY STREET RECORDS DEED BOOK 803, PAGE 323</p> <p><b>RECORD OWNER</b> COMMONWEALTH OF MASSACHUSETTS ASSESSORS PARCEL ID: 0102 4620 0012 0000 ADDRESS: 37 PEVEY STREET RECORDS DEED BOOK 803, PAGE 323 PLAN BOOK 127, PLAN 89</p>	<p><b>HAZEN &amp; SAWYER</b></p> <p>24 Federal Street, 5th Floor Boston, Massachusetts 02124</p> <p><b>HANCOCK ASSOCIATES</b></p> <p>Civil Engineers Land Surveyors Wetland Scientists</p> <p>14 BOLTONS ST., BOSTON, MA 02114 VOICE (617) 243-0101 FAX (617) 243-1133 WWW.HANCOCKASSOCIATES.COM</p>	<p><b>PLAN OF LAND IN LOWELL, MASSACHUSETTS</b></p> <p>DATE: 07/27/07 CHECK BY: DATE: 11-13-07 DATE: 06/07/08 DATE: 06/07/08</p> <p>SCALE: 1" = 30'</p> <p>PROJECT NO.: 19424</p>
--	--	--	---

- LEGEND:**
- WOOD FENCE W/ TYPE & HEIGHT
  - WOOD FENCE W/ TYPE & HEIGHT
  - 5/8" IRON PIPE
  - BRASS W/ MARKING
  - STEEL
  - CONCRETE
  - REINFORCED CONCRETE
  - ASPH/FLY
  - ASPH
  - CONC
  - WOOD SHED
  - WOOD STOCKPILE FENCE
  - WOOD SHED
  - WOOD STOCKPILE FENCE
  - WOOD SHED
  - WOOD STOCKPILE FENCE
  - WOOD SHED
  - WOOD STOCKPILE FENCE
  - WOOD SHED
  - WOOD STOCKPILE FENCE



**EXHIBIT "B"**



Eileen Donoghue  
City Manager

December 14, 2018

Mayor William Samaras  
and  
Members of the City Council

REFERENCE: Two Orders of Taking (1) Confirmatory (2) Friendly

Dear Mayor Samaras and Members of the City Council:

Attached are two separate Orders regarding takings on Pevey Street. One is the confirmatory taking a small portion of city land (91 Pevey Street), while the other is “friendly” taking of a small portion of 83 Pevey Street. The small portion of 91 Pevey Street was the subject of an RFP and will be conveyed to the Thomson Family Trust. The City will in turn “take” a small portion of property owned by the Thomson Family Trust, 83 Pevey Street. Both properties are part of a larger project that will result in the installation of an underwater wet-weather storage tank as part of a larger design to eliminate sewage overflows during periods of heavy rain. Once complete, the City will be constructing a dog park on the site.

Very truly yours,

Eileen Donoghue  
City Manager

cc: Christine P. O'Connor, City Solicitor  
Diane Tradd, Assistant City Manager/DPD Director  
Mark Young, Executive Dir. Wastewater