

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 Middlesex and a portion of Thorndike Street in the City of Lowell.

The City of Lowell desires to vacate, discontinue and abandon a portion of Middlesex Street and a portion of Thorndike Street more fully hereinafter described; and

There is no further municipal need for said portion of Middlesex Street and said portion of Thorndike Street 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 a portion of Middlesex Street and in a portion of Thorndike Street, hereinafter described on Exhibit "A", annexed hereto made a part hereof; and

Upon abandonment of said public interest in said portion of Middlesex Street and said portion of Thorndike Street, title free of said public easements is in the abutting property owners to the mid-line of said abandoned areas 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 portions of Middlesex Street and in portions of Thorndike Street hereinafter described on Exhibit "A", annexed hereto and made a part hereof, and shown on the plan hereinafter referred to as Exhibit "C", annexed hereto and made a part hereof and the same are hereby discontinued as a public street or way or other public right of way in the City of Lowell.

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 re-route 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, a further condition and part of this Order is that, upon the abandonment and discontinuance herein, the abutting owners to the mid-line of said abandoned area shall henceforth be picked up for assessment purposes by the City of Lowell Board of Assessors. The abutting owners as shown on the Abutters List hereinafter described on Exhibit "B", annexed hereto made a part hereof; and

Also as a further condition and part of this Order, said Order shall be recorded forthwith by and at the expense of the City of Lowell at the Middlesex North District Registry of Deeds.

Legal Description – Middlesex & Thorndike Street Discontinuance Area

A certain discontinuance area of land situated northerly of Middlesex Street and Easterly of Thorndike Street in the City of Lowell, in the County of Middlesex and the Commonwealth of Massachusetts bounded and described as follows:

Beginning at a point on the easterly sideline of Thorndike Street being the former location of 1957 State Highway Layout #4596; thence

S 41°33'46" E a distance of Two Hundred Seventy Two and Seventy Six Hundredths feet (272.76') to a point; thence

N 59°16'48" E a distance of Forty and Forty Eight Hundredths feet (40.48') to a point; thence

Northeasterly and curving to the left along the arc of a curve having a radius of One Thousand Nine Hundred Sixty Three and No Hundredths feet (1963.00'), a length of Two Hundred Sixteen and Thirty Six Hundredths feet (216.36') to a point; thence

N 52°57'54" E a distance of Forty Seven and Seven Hundredths feet (47.07') to a point, the last three (3) courses by the 2016 northerly sideline of Middlesex Street; thence

N 67°01'20" E a distance of Seventy and Twenty Five Hundredths feet (70.25') by the northerly sideline of Middlesex Street, being the former location of 1957 State Highway Layout #4596, to a point; thence

S 22°55'07" E a distance of Five and Ninety Six Hundredths feet (5.96') to a point; thence

Southwesterly and curving to the left along the arc of a curve having a radius of Seven Hundred Seventy Five and No Hundredths feet (775.00'), a length of One Hundred Forty and Twenty Hundredths feet (140.20') and a chord length of One Hundred Forty and One Hundredths feet (140.01') with a chord bearing of S 56°07'09" W to a point; thence

S 55°49'12" W a distance of Fifty Seven and Seventy Seven Hundredths feet (57.77') to a point; thence

N 34°10'48" W a distance of Four and No Hundredths feet (4.00') to a point; thence

S 55°49'12" W a distance of Thirty Seven and Eighty Four Hundredths feet (37.84') to a point; thence

Southwesterly and curving to the right along the arc of a curve having a radius of One Thousand Nine Hundred Fifty and No Hundredths feet (1950.00'), a length of Sixty Nine and Forty Five Hundredths feet (69.45') and a chord length of Sixty Nine and Forty Five Hundredths feet (69.45') with a chord bearing of S 57°27'11" W to a point; thence

Southwesterly and curving to the right along the arc of a curve having a radius of Four Hundred Fifty and No Hundredths feet (450.00'), a length of Forty and One Hundredths feet (40.01') and a chord length of Forty and No Hundredths feet (40.00') with a chord bearing of S 60°53'35" W to a point; thence

"A"

S 61°33'11" W a distance of Fifty Eight and One Hundredths feet (58.01') to a point; thence
Westerly and curving to the right along the arc of a curve having a radius of Sixteen and No
Hundredths feet (16.00'), a length of Twenty Three and Sixty One Hundredths feet
(23.61') to a point; thence
N 33°53'53" W a distance of One Hundred Twenty Five and Forty Six Hundredths feet (125.46') to a
point; thence
Northwesterly and curving to the right along the arc of a curve having a radius of One Thousand Nine
Hundred Sixty Seven and No Hundredths feet (1967.00'), a length of Eighty Five and
Sixty Three Hundredths feet (85.63') to a point; thence
N 31°24'13" W a distance of One Hundred Ten and Twenty Six Hundredths feet (110.26') to a point;
thence
Northerly and curving to the right along the arc of a curve having a radius of Thirty Six and No
Hundredths feet (36.00'), a length of Eighteen and Seventy Eight Hundredths feet
(18.78') to a point; thence
Northerly and curving to the right along the arc of a curve having a radius of Seventy Six and No
Hundredths feet (76.00'), a length of Nineteen and One Hundredths feet (19.01') to a
point; thence
S 24°50'08" E a distance of Ninety Five and Fifty One Hundredths feet (95.51') easterly sideline of
Thorndike Street being the former location of 1985 State Highway Layout #6680 to the
point of beginning.

Said Discontinuance parcel contains 12,619 square feet or 0.290 acres more or less.

“EXHIBIT B”

ABUTTER LIST

Commonwealth of Massachusetts Division of Capital Asset Management & Maintenance
(DCAMM)– 351-381 Middlesex Street - Book 23078 Page 115 and Book 30769 Page 291.



City of Lowell - Law Department

375 Merrimack Street, 3rd Floor • Lowell MA 01852-5909
Tel: 978.674.4050 • Fax: 978.453.1510 • www.lowellma.gov

Christine P. O'Connor
City Solicitor

Rachel M. Brown
1st Assistant City Solicitor

Gary D. Gordon
John Richard Hucksam, Jr.
Adam LaGrassa
Stacie M. Moeser
Elliott J. Veloso
Assistant City Solicitors

June 20, 2019

City Manager Eileen M. Donoghue
Mayor William Samaras
Members of the City Council

RE: Order to Abandon Portion of Middlesex Street and Portion of Thorndike Street

Dear Manager Donoghue, Mayor Samaras and Members of the City Council:

Enclosed is an Order for Abandonment of Portion of Middlesex Street and Portion of Thorndike Street.

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

June 20, 2019
City Manager Eileen M. Donoghue
Mayor William Samaras
Members of the City Council
Page 2.

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
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,


Christine P. O'Connor
City Solicitor

CPO:order:abandonlequinave

Encls.

cc: C. Clancy– City Engineer
D. Tradd – DPD
P. Lucken – DPD
Planning Board
S. Lemay-Assessor
Brian T. Akashian, Esq.