

CITY OF MARLBOROUGH MEETING POSTING

Meeting Name: City Council Legislative and Legal Affairs Committee

Date: July 15, 2014

Time: 5:00 PM

Location: City Council Chamber, 2nd Floor, City Hall, 140 Main Street

Agenda Items to be addressed:

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2014 JUL -9 A 11:08

1. **Order No. 14-1005874:** Communication from the Mayor re: Intermunicipal Agreement with Town of Hudson to assist with the Board of Health.
2. **Order No. 14-1005881:** Communication from the Mayor re: Order of Taking by Eminent Domain; Order of Acceptance of Deeds; Order Transferring Care, Management and Control to the Conservation Commission; and Determination of Unique Acquisition in area known as Deer Foot Park.
3. **Order No. 14-1005882:** Communication from the Mayor re: Order of Taking by Eminent Domain of Certain Strips of Land for the Purposes of Reconstructing and Maintaining Simarano Drive.

THE LISTING OF TOPICS THAT THE CHAIR REASONABLY ANTICIPATES WILL BE DISCUSSED AT THE MEETING IS NOT INTENDED AS A GUARANTEE OF THE TOPICS THAT WILL HAVE BEEN DISCUSSED. NOT ALL TOPICS LISTED MAY IN FACT BE DISCUSSED, AND OTHER TOPICS NOT LISTED MAY ALSO BE BROUGHT UP FOR DISCUSSION TO THE EXTENT PERMITTED BY LAW.

The public should take due notice that the Marlborough City Council may have a quorum in attendance due to Standing Committees of the City Council consisting of both voting and non-voting members. However, members attending this duly posted meeting are participating and deliberating only in conjunction with the business of the Standing Committee.

Electronic devices, including laptops, cell phones, pagers, and PDAs must be turned off or put in silent mode upon entering the City Council Chamber, and any person violating this rule shall be asked to leave the chamber. Express authorization to utilize such devices may be granted by the President for recordkeeping purposes.



IN CITY COUNCIL

Marlborough, Mass., _____

JULY 7, 2014

PAGE 1

ORDERED:

That the following Order of Acceptance of Deeds in the area known as Deer Foot Park, be and is herewith refer to **LEGISLATIVE AND LEGAL AFFAIRS COMMITTEE.**

That pursuant to Section 14 of Chapter 40 of the General Laws of Massachusetts, the City does hereby accept for conservation purposes title, by deeds of conveyance, to certain parcels of land located within the area known as Deer Foot Park, which is located off of Concord Road, said deeds to be recorded herewith at the Middlesex County South Registry of Deeds, an appropriation of money for said purposes having been heretofore approved and presently available in Account No. 30046006-58160 and in Account No. 30046006-58160.

GRANTOR: Deborah Schreiber Rodriguez

Those certain lots numbered 624, 625, 646, and 647, being approximately 0.23124426 acres, as shown on "Plan of Lots Of Deer Foot Park Town of Hudson and Marlboro, Middlesex County, Mass., Belonging To W.M.A. Connelly of Boston, Mass.; Scale 50 Feet To An Inch; June 1909; N.W. Daley Surveyor, Salem, Mass." recorded in the Middlesex South Registry of Deeds at Plan Book 180 as Plan 42 (A of 2) of August 26, 1909, and also known and numbered as Map 3, Parcel 28 on the Assessors' Map of the City of Marlborough.

GRANTOR: Steven J. King

Those certain lots numbered 519 and 520, being approximately 0.11478421 acres, as shown on "Plan of Lots Of Deer Foot Park Town of Hudson and Marlboro, Middlesex County, Mass., Belonging To W.M.A. Connelly of Boston, Mass.; Scale 50 Feet To An Inch; June 1909; N.W. Daley Surveyor, Salem, Mass." recorded in the Middlesex South Registry of Deeds at Plan Book 180 as Plan 42 (A of 2) of August 26, 1909, and also known and numbered as Map 3, Parcel 25 on the Assessors' Map of the City of Marlborough.

GRANTORS: Robert A. Barden and Alice C. Barden

That certain lot numbered 384, being approximately 0.07805326 acres, as shown on "Plan of Lots Of Deer Foot Park Town of Hudson and Marlboro, Middlesex County, Mass., Belonging To W.M.A. Connelly of Boston, Mass.; Scale 50 Feet To An Inch; June 1909; N.W. Daley Surveyor, Salem, Mass." recorded in the Middlesex South Registry of Deeds at Plan Book 180 as Plan 42 (A of 2) of August 26, 1909, and also known and numbered as Map 3, Parcel 21 on the Assessors' Map of the City of Marlborough.

GRANTOR: Robert A. Barden



IN CITY COUNCIL

Marlborough, Mass.,

JULY 7, 2014

PAGE 2

ORDERED:

That certain lot numbered 385, being approximately 0.0573921 acres, as shown on "Plan of Lots Of Deer Foot Park Town of Hudson and Marlboro, Middlesex County, Mass., Belonging To W.M.A. Connelly of Boston, Mass.; Scale 50 Feet To An Inch; June 1909; N.W. Daley Surveyor, Salem, Mass." recorded in the Middlesex South Registry of Deeds at Plan Book 180 as Plan 42 (A of 2) of August 26, 1909, and also known and numbered as Map 3, Parcel 22 on the Assessors' Map of the City of Marlborough.

GRANTOR: George Lohmiller

Those certain lots numbered 292, 293, and 294, being approximately 0.17217631 acres, as shown on "Plan of Lots Of Deer Foot Park Town of Hudson and Marlboro, Middlesex County, Mass., Belonging To W.M.A. Connelly of Boston, Mass.; Scale 50 Feet To An Inch; June 1909; N.W. Daley Surveyor, Salem, Mass." recorded in the Middlesex South Registry of Deeds at Plan Book 180 as Plan 42 (A of 2) of August 26, 1909, and also known and numbered as Map 3, Parcel 19 on the Assessors' Map of the City of Marlborough.

GRANTOR: Bernard Collins

Those certain lots numbered 176 and 177, being approximately 0.11478421 acres, as shown on "Plan of Lots Of Deer Foot Park Town of Hudson and Marlboro, Middlesex County, Mass., Belonging To W.M.A. Connelly of Boston, Mass.; Scale 50 Feet To An Inch; June 1909; N.W. Daley Surveyor, Salem, Mass." recorded in the Middlesex South Registry of Deeds at Plan Book 180 as Plan 42 (A of 2) of August 26, 1909. Said lots numbered 176 and 177 are also known and numbered as Map 3, Parcel 17 on the Assessors' Map of the City of Marlborough.

GRANTOR: Gerard Coolbrith

Those certain lots numbered 115, 116, and 117, being approximately 0.12913223 acres, as shown on "Plan of Lots Of Deer Foot Park Town of Hudson and Marlboro, Middlesex County, Mass., Belonging To W.M.A. Connelly of Boston, Mass.; Scale 50 Feet To An Inch; June 1909; N.W. Daley Surveyor, Salem, Mass." recorded in the Middlesex South Registry of Deeds at Plan Book 180 as Plan 42 (A of 2) of August 26, 1909, and also known and numbered as Map 3, Parcel 13 on the Assessors' Map of the City of Marlborough.

ADOPTED

ORDER NO. 14-1005881A



15
City of Marlborough

Office of the Mayor

RECEIVED *Arthur G. Vigeant*
CITY CLERK'S OFFICE MAYOR
CITY OF MARLBOROUGH
Michael C. Berry
2014 JUL -2 P 4: 53
EXECUTIVE AIDE

140 Main Street
Marlborough, Massachusetts 01752
Tel. (508) 460-3770 Facsimile (508) 460-3698 TDD (508) 460-3610
www.marlborough-ma.gov

Patricia Bernard
EXECUTIVE SECRETARY

July 2, 2014

City Council President Patricia Pope
Marlborough City Council
140 Main Street
Marlborough, MA 01752

**RE: Order Of Taking By Eminent Domain; Order of Acceptance Of Deeds;
Order Transferring Care, Management and Control To the Conservation
Commission; and Determination of Unique Acquisition**

Dear President Pope and Members:

Enclosed herewith please find three proposed orders, including an Order Of Taking By Eminent Domain and an Order Of Acceptance of Deeds for the purposes of augmenting the Desert Conservation Area with privately-owned parcels of land. These parcels, located in an area known as Deer Foot Park, are surrounded by conservation land. The third proposed Order would transfer the parcels to the care, management and control of the Conservation Commission.

In addition, the enclosures include the Chief Procurement Officer's determination that the location and unique qualities of the land satisfy the unique acquisition requirements of M.G.L. Chapter 30B, §16(e)(2). Also enclosed is a copy of the 1909 recorded plan for Deer Foot Park together with, for orientation and comparison, a GIS plan and a GIS aerial view.

This proposal is being requested on behalf of the Conservation Commissioner, Priscilla Ryder. The Commissioner and the Legal Department will be available to answer any specific questions relative to the project. As always, I am available to answer any questions that you may have concerning the attached.

Sincerely,

Arthur G. Vigeant
Mayor

Enclosure

Cc: Priscilla Ryder, Conservation Commissioner
Legal Department
Deborah Fox, Tax Collector
Bradford Dunn, Assessors' Office
Beverly J. Sleeper, Chief Procurement Officer

ORDERED:

That pursuant to Section 14 of Chapter 40 of the General Laws of Massachusetts, the City does hereby accept for conservation purposes title, by deeds of conveyance, to certain parcels of land located within the area known as Deer Foot Park, which is located off of Concord Road, said deeds to be recorded herewith at the Middlesex County South Registry of Deeds, an appropriation of money for said purposes having been heretofore approved and presently available in Account No. 30046006-58160 and in Account No. 30046006-58160.

GRANTOR: Deborah Schreiber Rodriguez

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GRANTOR: George Lohmiller

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GRANTOR: Bernard Collins

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GRANTOR: Gerard Coolbrith

Those certain lots numbered 115, 116, and 117, being approximately 0.12913223 acres, as shown on "Plan of Lots Of Deer Foot Park Town of Hudson and Marlboro, Middlesex County, Mass., Belonging To W.M.A. Connelly of Boston, Mass.; Scale 50 Feet To An Inch; June 1909; N.W. Daley Surveyor, Salem, Mass." recorded in the Middlesex South Registry of Deeds at Plan Book 180 as Plan 42 (A of 2) of August 26, 1909, and also known and numbered as Map 3, Parcel 13 on the Assessors' Map of the City of Marlborough.

ADOPTED

In City Council
Order No. 14-
Adopted

Approved By Mayor
Arthur G. Vigeant
Date:

A TRUE COPY

ATTEST:

City of Marlborough



PROCUREMENT OFFICE

140 Main Street, 3RD Floor, Marlborough, MA 01752

DIRECT DIAL (508) 460-3707 FACSIMILE (508) 460-3747 TDD (508) 460-3610

BSLEEPER@MARLBOROUGH-MA.GOV

June 30, 2014

Arthur G. Vigeant, Mayor
City Hall
140 Main Street
Marlborough, MA 01752

RE: Unique Acquisition of Real Property – Deer Foot Park Parcels

Dear Mayor Vigeant:

Pursuant to the provisions of M.G.L. c. 30B, § 16, the City must solicit proposals prior to obtaining real property valued in excess of \$25,000 *unless* the City Council determines in writing that advertising for the submissions of proposals will not benefit the City's interests because of the unique qualities or location of the property needed (M.G.L. c. 30B, § 16(e)(2)). It is my understanding that the City is interested in acquiring parcels of land located within the area known as Deer Foot Park as shown on "Plan of Lots of Deer Foot Park Town of Hudson and Marlboro, Middlesex County, Mass., Belonging to W.M.A. Connelly of Boston, Mass.; Scale 50 Feet to An Inch; June 1909; N.W. Daley Surveyor, Salem, Mass." Recorded in the Middlesex South Registry of Deeds in Plan Book 180 as Plan 42 (A of 2) of August 26, 1909 and identified as Assessor's Map 3, Parcels 28, 25, 21, 22, 19, 17, and 13 (the "Land"), which have a total assessed value of \$31,800. The parcels remain privately-owned and are located in an inaccessible/unbuilt subdivision dating from around WW1, called Deer Foot Park. It is my understanding that these parcels originally were conveyed to WWI veterans, but none of the parcels were ever developed, and no roads ever built.

For the City Council's deliberation and approval, I have determined that the location and qualities of the Land satisfy the unique requirements of the City pursuant to M.G.L. c. 30B, § 16(e)(2). Specifically, the Land consists of wooded open space, uniquely situated because it abuts existing City open space parcels, which has been designated as potential open space by the City's 2011-2018 Open Space and Recreation Plan and upon which the City proposes to accept for conservation purposes. The City seeks to acquire this property in order to increase open space, to preserve vistas, to provide wildlife habitat, and to enable future passive recreational opportunities in conjunction with existing and proposed public passive recreational amenities.

In light of the foregoing, it is my opinion that it is proper to waive the advertisement requirements of M.G.L. c. 30B, § 16 with respect to the acquisition of the Land. Pursuant to M.G.L. c. 30B, § 16, I will publish this determination along with the names of parties having a beneficial interest in the property as required under M.G.L. c. 7C, § 38, the location and size of the property, and the proposed purchase price in the Commonwealth's Central Register not less than thirty (30) days before the City accepts the deeds for nominal consideration from the owners of these parcels.

Page 2
Letter to Mayor RE: Deer foot Park Parcels
June 30, 2014

If you have any questions or require further information, please let me know.

Sincerely,

A handwritten signature in cursive script that reads "Beverly J. Sleeper". The signature is written in black ink and is positioned above the printed name and title.

Beverly J. Sleeper
Chief Procurement Officer

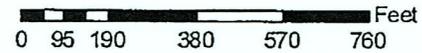
cc: Cynthia Panagore Griffin, Assistant City Solicitor
Priscilla Ryder, Conservation Agent

Deer Foot Park (Desert Conservation Area)



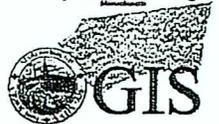
-----	Easements	Parking Lots
-----	Driveways	Type
-----	Type	Paved
-----	Paved	DEP WETLAND

1 inch = 389 feet



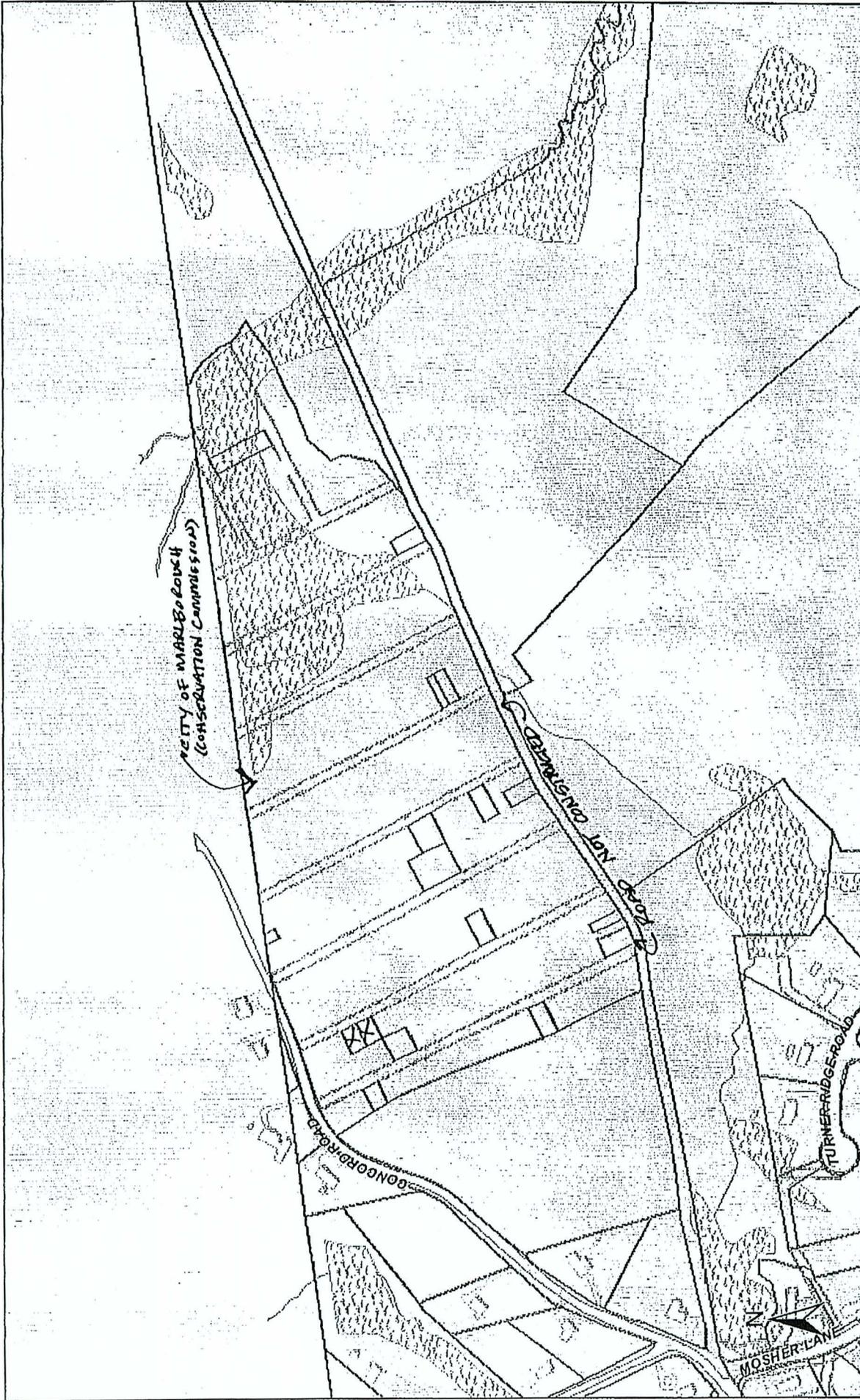
July 2, 2014

City of Marlborough
Massachusetts



All Marlborough GIS data is to be considered a generalized spatial representation that is subject to revisions. This information is provided as a visual representation only and is not to be used as a legal or official representation of legal boundaries. This web site is not intended to be used as the exclusive basis for decision-

Deer Foot Park (Desert Conservation Area)



1 inch = 389 feet
 0 95 190 380 570 760 Feet

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----- Easements
 Parking Lots
 Driveways
Type
 Paved
 DEP WETLAND



IN CITY COUNCIL

Marlborough, Mass., _____ JULY 7, 2014
PAGE 1

ORDERED:

That the following Order of Taking by Eminent Domain in the area known as Deer Foot Park, be and is herewith refer to **LEGISLATIVE AND LEGAL AFFAIRS COMMITTEE.**

Eminent Domain Order of Taking

WHEREAS, the City Council of the City of Marlborough has determined that the public welfare, safety, and common convenience require that certain portions of land located off of Concord Road in the area known as "Deer Foot Park" as more particularly described herein, be taken in fee for conservation purposes and that the taking by eminent domain is reasonable and necessary to carry out the aforementioned purposes; and,

WHEREAS, in order to promote the public welfare, safety, common convenience, and necessity, it is necessary to take by Eminent Domain the easement interests in the land for the purposes and duration described herein; and,

WHEREAS, all preliminary requirements of Massachusetts General Laws Chapter 79 having been complied with;

NOW, THEREFORE, IT IS HEREBY ORDERED that the City Council of the City of Marlborough, acting in accordance with the power and authority conferred by the City Charter, Division 1, Section 30, Massachusetts General Laws, Chapter 79 and every power and authority thereto enabling, and in the exercise of the power and authority conferred by said laws, does hereby take by Eminent Domain for the aforementioned purposes the fee interest in the following described land, including and all trees and other vegetation thereon.

DESCRIPTION OF LAND TAKEN

OWNER: Deborah Schreiber Rodriguez
11942 St. Francis Way
Michelleville, MD 20721

Those certain lots numbered 624, 625, 646, and 647 being approximately 0.23124426 acres as shown on "Plan of Lots Of Deer Foot Park Town of Hudson and Marlboro, Middlesex County, Mass., Belonging To W.M.A. Connelly of Boston, Mass.; Scale 50 Feet To An Inch; June 1909; N.W. Daley Surveyor, Salem, Mass." recorded in the Middlesex South Registry of Deeds at Plan Book 180 as Plan 42 (A of 2) of August 26, 1909, and also known and numbered as Map 3, Parcel 28 on the Assessors' Map of the City of Marlborough.



IN CITY COUNCIL

JULY 7, 2014

Marlborough, Mass., _____ PAGE 2

ORDERED:

See also Deed In Lieu of Foreclosure conveying title to said lots to the City of Marlborough recorded herewith at the Middlesex South County Registry of Deeds in Book _____, Page _____.

OWNER: Bernard Collins
4 Gigante Drive
Stoneham, MA

Those certain lots numbered 176 and 177 being approximately 0.11478421 acres as shown on "Plan of Lots Of Deer Foot Park Town of Hudson and Marlboro, Middlesex County, Mass., Belonging To W.M.A. Connelly of Boston, Mass.; Scale 50 Feet To An Inch; June 1909; N.W. Daley Surveyor, Salem, Mass." recorded in the Middlesex South Registry of Deeds at Plan Book 180 as Plan 42 (A of 2) of August 26, 1909. Said lots numbered 176 and 177 are also known and numbered as Map 3, Parcel 17 on the Assessors' Map of the City of Marlborough.

See also Deed In Lieu of Foreclosure conveying title to said lots to the City of Marlborough recorded herewith at the Middlesex South County Registry of Deeds in Book _____, Page _____.

OWNER: Gerard Coolbrith
56 William Ward Street
Uxbridge, MA

Those certain lots numbered 115, 116, and 117 being approximately 0.12913223 acres as shown on "Plan of Lots Of Deer Foot Park Town of Hudson and Marlboro, Middlesex County, Mass., Belonging To W.M.A. Connelly of Boston, Mass.; Scale 50 Feet To An Inch; June 1909; N.W. Daley Surveyor, Salem, Mass." recorded in the Middlesex South Registry of Deeds at Plan Book 180 as Plan 42 (A of 2) of August 26, 1909, and also known and numbered as Map 3, Parcel 13 on the Assessors' Map of the City of Marlborough.

See also Deed In Lieu of Foreclosure conveying title to said lots to the City of Marlborough recorded herewith at the Middlesex South County Registry of Deeds in Book _____, Page _____.



IN CITY COUNCIL

Marlborough, Mass., _____ JULY 7, 2014
PAGE 3

ORDERED:

OWNER: Raymond Perkins
720 California Street
Tallahassee, FL

That certain lot number 87 being approximately 0.06473829 acres as shown on "Plan of Lots Of Deer Foot Park Town of Hudson and Marlboro, Middlesex County, Mass., Belonging To W.M.A. Connelly of Boston, Mass.; Scale 50 Feet To An Inch; June 1909; N.W. Daley Surveyor, Salem, Mass." recorded in the Middlesex South Registry of Deeds at Plan Book 180 as Plan 42 (A of 2) of August 26, 1909, and also known and numbered as Map 3, Parcel 10 on the Assessors' Map of the City of Marlborough.

OWNER: Charles E. Elliot
65 Mechanics Street
Camden, ME

Those certain lots numbered 49 and 50 being approximately 0.08482553 acres as shown on "Plan of Lots Of Deer Foot Park Town of Hudson and Marlboro, Middlesex County, Mass., Belonging To W.M.A. Connelly of Boston, Mass.; Scale 50 Feet To An Inch; June 1909; N.W. Daley Surveyor, Salem, Mass." recorded in the Middlesex South Registry of Deeds at Plan Book 180 as Plan 42 (A of 2) of August 26, 1909, and also known and numbered as Map 3, Parcel 6 on the Assessors' Map of the City of Marlborough.

OWNER: Amy Demerse
P.O. Box 1052
Eagle River, AK

Those certain lots numbered 69 and 70 being approximately 0.10927456 acres as shown on "Plan of Lots Of Deer Foot Park Town of Hudson and Marlboro, Middlesex County, Mass., Belonging To W.M.A. Connelly of Boston, Mass.; Scale 50 Feet To An Inch; June 1909; N.W. Daley Surveyor, Salem, Mass." recorded in the Middlesex South Registry of Deeds at Plan Book 180 as Plan 42 (A of 2) of August 26, 1909, and also known and numbered as Map 3, Parcel 6A on the Assessors' Map of the City of Marlborough.



IN CITY COUNCIL

Marlborough, Mass., _____ JULY 7, 2014
PAGE 4

ORDERED:

OWNER: Joseph Hayes
13 Blake Street
Beverly, MA

That certain lot number 21 being approximately 0.02066116 acres as shown on "Plan of Lots Of Deer Foot Park Town of Hudson and Marlboro, Middlesex County, Mass., Belonging To W.M.A. Connelly of Boston, Mass.; Scale 50 Feet To An Inch; June 1909; N.W. Daley Surveyor, Salem, Mass." recorded in the Middlesex South Registry of Deeds at Plan Book 180 as Plan 42 (A of 2) of August 26, 1909, and also known and numbered as Map 3, Parcel 16 on the Assessors' Map of the City of Marlborough.

<u>OWNER</u>	<u>MARLBOROUGH ASSESSORS MAP/PARCEL</u>	<u>AREA (+/- Acres)</u>	<u>AWARD</u>
Deborah Schreiber Rodriguez	3/28	0.23124426	\$0.00
Bernard Collins	3/17	0.11478421	\$0.00
Gerard Coolbrith	3/13	0.12913223	\$0.00
Raymond Perkins	3/10	0.06473829	\$1,000.00
Charles E. Elliot	3/6	0.08482553	\$1,000.00
Amy Demerse	3/6A	0.10927456	\$1,000.00
Joseph Hayes	3/16	0.02066116	\$1,000.00

ADOPTED

ORDER NO. 14-1005881B



15
City of Marlborough

Office of the Mayor

RECEIVED *Arthur G. Vigeant*
CITY CLERK'S OFFICE MAYOR
CITY OF MARLBOROUGH
Michael C. Berry
2014 JUL -2 P 11: 53
EXECUTIVE AIDE

140 Main Street
Marlborough, Massachusetts 01752
Tel. (508) 460-3770 Facsimile (508) 460-3698 TDD (508) 460-3610
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Patricia Bernard
EXECUTIVE SECRETARY

July 2, 2014

City Council President Patricia Pope
Marlborough City Council
140 Main Street
Marlborough, MA 01752

**RE: Order Of Taking By Eminent Domain; Order of Acceptance Of Deeds;
Order Transferring Care, Management and Control To the Conservation
Commission; and Determination of Unique Acquisition**

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In addition, the enclosures include the Chief Procurement Officer's determination that the location and unique qualities of the land satisfy the unique acquisition requirements of M.G.L. Chapter 30B, §16(e)(2). Also enclosed is a copy of the 1909 recorded plan for Deer Foot Park together with, for orientation and comparison, a GIS plan and a GIS aerial view.

This proposal is being requested on behalf of the Conservation Commissioner, Priscilla Ryder. The Commissioner and the Legal Department will be available to answer any specific questions relative to the project. As always, I am available to answer any questions that you may have concerning the attached.

Sincerely,

Arthur G. Vigeant
Mayor

Enclosure

Cc: Priscilla Ryder, Conservation Commissioner
Legal Department
Deborah Fox, Tax Collector
Bradford Dunn, Assessors' Office
Beverly J. Sleeper, Chief Procurement Officer

ORDERED:

Eminent Domain Order of Taking

WHEREAS, the City Council of the City of Marlborough has determined that the public welfare, safety, and common convenience require that certain portions of land located off of Concord Road in the area known as "Deer Foot Park" as more particularly described herein, be taken in fee for conservation purposes and that the taking by eminent domain is reasonable and necessary to carry out the aforementioned purposes; and,

WHEREAS, in order to promote the public welfare, safety, common convenience, and necessity, it is necessary to take by Eminent Domain the easement interests in the land for the purposes and duration described herein; and,

WHEREAS, all preliminary requirements of Massachusetts General Laws Chapter 79 having been complied with;

NOW, THEREFORE, IT IS HEREBY ORDERED that the City Council of the City of Marlborough, acting in accordance with the power and authority conferred by the City Charter, Division 1, Section 30, Massachusetts General Laws, Chapter 79 and every power and authority thereto enabling, and in the exercise of the power and authority conferred by said laws, does hereby take by Eminent Domain for the aforementioned purposes the fee interest in the following described land, including and all trees and other vegetation thereon.

DESCRIPTION OF LAND TAKEN

OWNER: Deborah Schreiber Rodriguez
11942 St. Francis Way
Michelleville, MD 20721

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Stoneham, MA

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Belonging To W.M.A. Connelly of Boston, Mass.; Scale 50 Feet To An Inch; June 1909; N.W. Daley Surveyor, Salem, Mass.” recorded in the Middlesex South Registry of Deeds at Plan Book 180 as Plan 42 (A of 2) of August 26, 1909. Said lots numbered 176 and 177 are also known and numbered as Map 3, Parcel 17 on the Assessors’ Map of the City of Marlborough.

See also Deed In Lieu of Foreclosure conveying title to said lots to the City of Marlborough recorded herewith at the Middlesex South County Registry of Deeds in Book_____, Page _____.

OWNER: Gerard Coolbrith
56 William Ward Street
Uxbridge, MA

Those certain lots numbered 115, 116, and 117 being approximately 0.12913223 acres as shown on “Plan of Lots Of Deer Foot Park Town of Hudson and Marlboro, Middlesex County, Mass., Belonging To W.M.A. Connelly of Boston, Mass.; Scale 50 Feet To An Inch; June 1909; N.W. Daley Surveyor, Salem, Mass.” recorded in the Middlesex South Registry of Deeds at Plan Book 180 as Plan 42 (A of 2) of August 26, 1909, and also known and numbered as Map 3, Parcel 13 on the Assessors’ Map of the City of Marlborough.

See also Deed In Lieu of Foreclosure conveying title to said lots to the City of Marlborough recorded herewith at the Middlesex South County Registry of Deeds in Book_____, Page _____.

OWNER: Raymond Perkins
720 California Street
Tallahassee, FL

That certain lot number 87 being approximately 0.06473829 acres as shown on “Plan of Lots Of Deer Foot Park Town of Hudson and Marlboro, Middlesex County, Mass., Belonging To W.M.A. Connelly of Boston, Mass.; Scale 50 Feet To An Inch; June 1909; N.W. Daley Surveyor, Salem, Mass.” recorded in the Middlesex South Registry of Deeds at Plan Book 180 as Plan 42 (A of 2) of August 26, 1909, and also known and numbered as Map 3, Parcel 10 on the Assessors’ Map of the City of Marlborough.

OWNER: Charles E. Elliot
65 Mechanics Street
Camden, ME

Those certain lots numbered 49 and 50 being approximately 0.08482553 acres as shown on “Plan of Lots Of Deer Foot Park Town of Hudson and Marlboro, Middlesex County, Mass., Belonging To W.M.A. Connelly of Boston, Mass.; Scale 50 Feet To An Inch; June 1909; N.W. Daley Surveyor, Salem, Mass.” recorded in the Middlesex South Registry of Deeds at Plan Book 180 as Plan 42 (A of 2) of August 26, 1909, and also known and numbered as Map 3, Parcel 6 on the Assessors’ Map of the City of Marlborough.

OWNER: Amy Demerse
P.O. Box 1052
Eagle River, AK

Those certain lots numbered 69 and 70 being approximately 0.10927456 acres as shown on “Plan of Lots Of Deer Foot Park Town of Hudson and Marlboro, Middlesex County, Mass., Belonging To W.M.A. Connelly of Boston, Mass.; Scale 50 Feet To An Inch; June 1909; N.W. Daley Surveyor, Salem, Mass.” recorded in the Middlesex South Registry of Deeds at Plan Book 180 as Plan 42 (A of 2) of August 26, 1909, and also known and numbered as Map 3, Parcel 6A on the Assessors’ Map of the City of Marlborough.

OWNER: Joseph Hayes
13 Blake Street
Beverly, MA

That certain lot number 21 being approximately 0.02066116 acres as shown on “Plan of Lots Of Deer Foot Park Town of Hudson and Marlboro, Middlesex County, Mass., Belonging To W.M.A. Connelly of Boston, Mass.; Scale 50 Feet To An Inch; June 1909; N.W. Daley Surveyor, Salem, Mass.” recorded in the Middlesex South Registry of Deeds at Plan Book 180 as Plan 42 (A of 2) of August 26, 1909, and also known and numbered as Map 3, Parcel 16 on the Assessors’ Map of the City of Marlborough.

<u>OWNER</u>	<u>MARLBOROUGH ASSESSORS MAP/PARCEL</u>	<u>AREA (+/- Acres)</u>	<u>AWARD</u>
Deborah Schreiber Rodriguez	3/28	0.23124426	\$0.00
Bernard Collins	3/17	0.11478421	\$0.00
Gerard Coolbrith	3/13	0.12913223	\$0.00
Raymond Perkins	3/10	0.06473829	\$1,000.00
Charles E. Elliot	3/6	0.08482553	\$1,000.00
Amy Demerse	3/6A	0.10927456	\$1,000.00
Joseph Hayes	3/16	0.02066116	\$1,000.00

ADOPTED
In City Council
Order No. 14-
Adopted

Approved By Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:

City of Marlborough



PROCUREMENT OFFICE

140 Main Street, 3RD Floor, Marlborough, MA 01752
DIRECT DIAL (508) 460-3707 FACSIMILE (508) 460-3747 TDD (508) 460-3610
BSLEEPER@MARLBOROUGH-MA.GOV

June 30, 2014

Arthur G. Vigeant, Mayor
City Hall
140 Main Street
Marlborough, MA 01752

RE: Unique Acquisition of Real Property – Deer Foot Park Parcels

Dear Mayor Vigeant:

Pursuant to the provisions of M.G.L. c. 30B, § 16, the City must solicit proposals prior to obtaining real property valued in excess of \$25,000 *unless* the City Council determines in writing that advertising for the submissions of proposals will not benefit the City's interests because of the unique qualities or location of the property needed (M.G.L. c. 30B, § 16(e)(2)). It is my understanding that the City is interested in acquiring parcels of land located within the area known as Deer Foot Park as shown on "Plan of Lots of Deer Foot Park Town of Hudson and Marlboro, Middlesex County, Mass., Belonging to W.M.A. Connelly of Boston, Mass.; Scale 50 Feet to An Inch; June 1909; N.W. Daley Surveyor, Salem, Mass." Recorded in the Middlesex South Registry of Deeds in Plan Book 180 as Plan 42 (A of 2) of August 26, 1909 and identified as Assessor's Map 3, Parcels 28, 25, 21, 22, 19, 17, and 13 (the "Land"), which have a total assessed value of \$31,800. The parcels remain privately-owned and are located in an inaccessible/unbuilt subdivision dating from around WW1, called Deer Foot Park. It is my understanding that these parcels originally were conveyed to WWI veterans, but none of the parcels were ever developed, and no roads ever built.

For the City Council's deliberation and approval, I have determined that the location and qualities of the Land satisfy the unique requirements of the City pursuant to M.G.L. c. 30B, § 16(e)(2). Specifically, the Land consists of wooded open space, uniquely situated because it abuts existing City open space parcels, which has been designated as potential open space by the City's 2011-2018 Open Space and Recreation Plan and upon which the City proposes to accept for conservation purposes. The City seeks to acquire this property in order to increase open space, to preserve vistas, to provide wildlife habitat, and to enable future passive recreational opportunities in conjunction with existing and proposed public passive recreational amenities.

In light of the foregoing, it is my opinion that it is proper to waive the advertisement requirements of M.G.L. c. 30B, § 16 with respect to the acquisition of the Land. Pursuant to M.G.L. c. 30B, § 16, I will publish this determination along with the names of parties having a beneficial interest in the property as required under M.G.L. c. 7C, § 38, the location and size of the property, and the proposed purchase price in the Commonwealth's Central Register not less than thirty (30) days before the City accepts the deeds for nominal consideration from the owners of these parcels.

Page 2
Letter to Mayor RE: Deer foot Park Parcels
June 30, 2014

If you have any questions or require further information, please let me know.

Sincerely,

A handwritten signature in cursive script that reads "Beverly J. Sleeper".

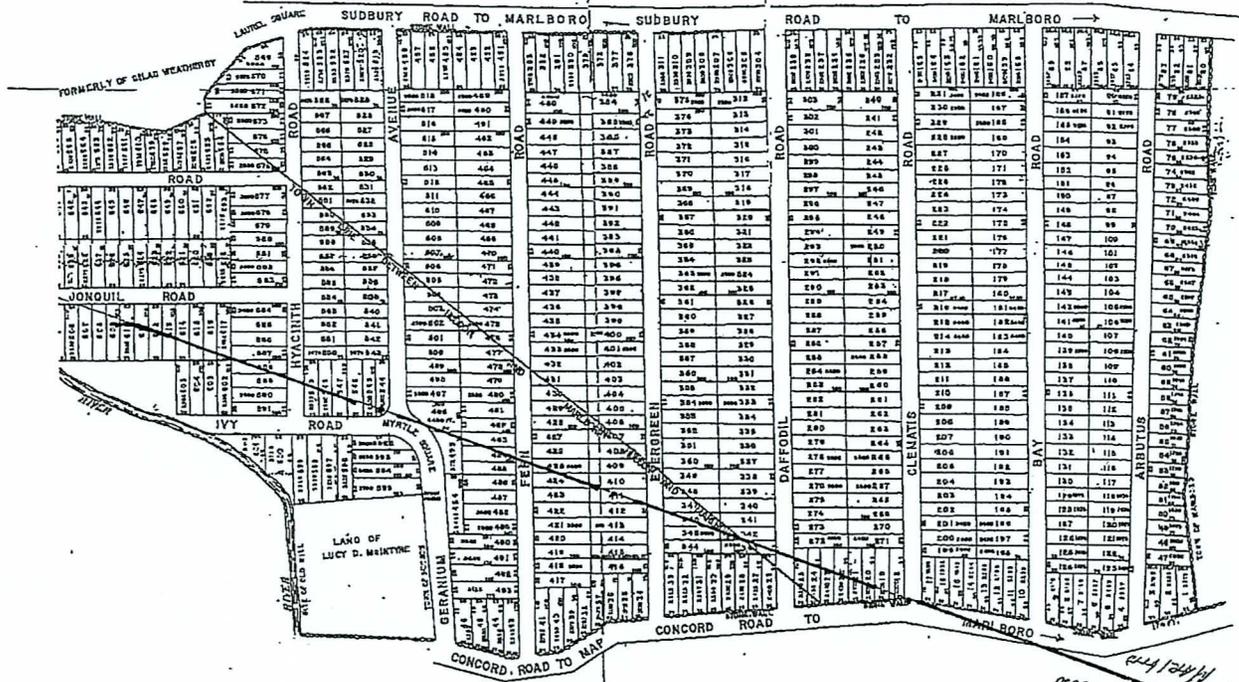
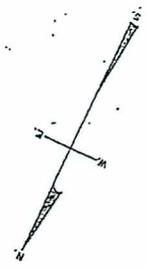
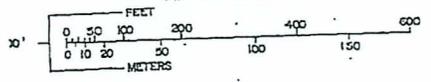
Beverly J. Sleeper
Chief Procurement Officer

cc: Cynthia Panagore Griffin, Assistant City Solicitor
Priscilla Ryder, Conservation Agent

PLAN OF LOTS
AT
DEER FOOT PARK
TOWN OF
HUDSON AND MARLBORO
MIDDLESEX COUNTY MASS.
BELONGING TO W. M. A. CONNELLY OF BOSTON, MASS.
SCALE 50 FEET TO AN INCH JUNE 1909.
N.W. DALEY SURVEYOR CALDEN MASS.
(ORIGINAL ON FILE)

HUDSON AND MARLBORO

THE LINE BETWEEN SAOONHILL TOWN
THIS PLAN IS THE 1909 LIFE EDITION
BOSTON & MARLBORO, INCORPORATION
OF THE LINT. MARLBORO EDITION.
THIS LINE IS APPROXIMATE ONLY.



MIDDLESEX COUNTY REGISTER OF DEEDS, ST. MARYS
CAMBRIDGE, MASS.
CORRECTED PLAN
Recorded AUG. 25, 1909, at 2:20 p.m. P. 22
Map No. 27510, Plan No. 42 (Part 2)

(SCALE 100 FEET = 1 INCH)
PLAN BOOK 180 PLAN 42 (Part 2)

Handwritten: Hudson

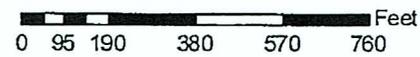
Deer Foot Park (Desert Conservation Area)



July 2, 2014

-----	Easements	Parking Lots
-----	Driveways	Type
-----	Type	Paved
-----	Paved	DEP WETLAND

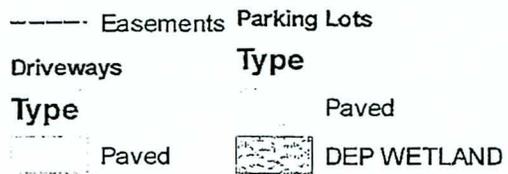
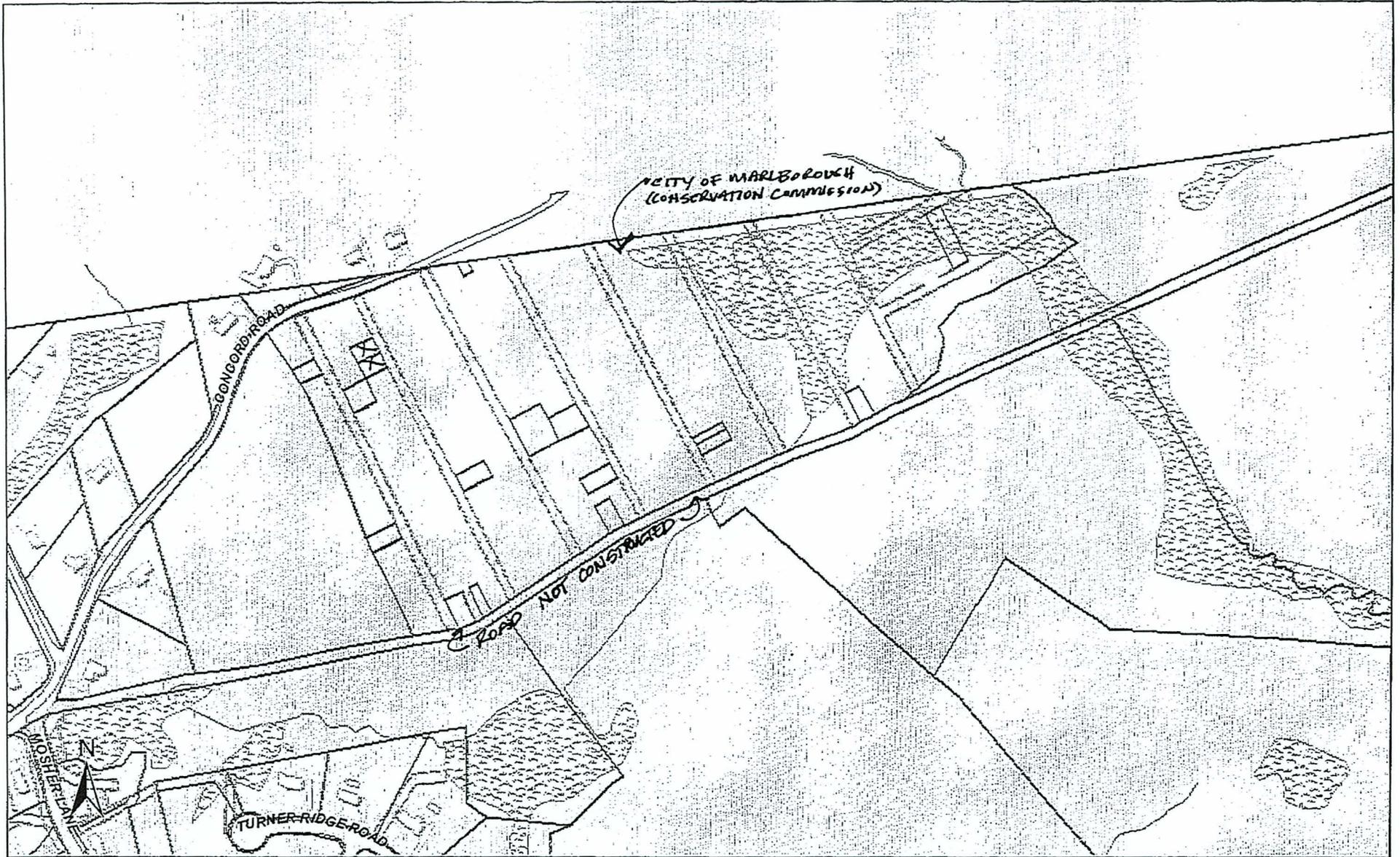
1 inch = 389 feet



All Marlborough GIS data is to be considered a generalized spatial representation that is subject to revision. This information is provided as a visual representation only and is not to be used as a legal or official representation of legal boundaries. The web site is not intended to be used as the exclusive basis for decision-



Deer Foot Park (Desert Conservation Area)



1 inch = 389 feet



July 2, 2014

City of Marlborough



All Marlborough GIS data is to be considered a generalized spatial representation that is subject to revisions. This information is provided as a visual representation only and is not to be used as a legal or official representation of legal boundaries. This web site is not intended to be used as the exclusive basis for decision-



IN CITY COUNCIL

Marlborough, Mass.,

JULY 7, 2014

PAGE 1

ORDERED:

That the following Order Transferring Care, Management and Control to the Conservation Commission in area known as Deer Foot Park, be and is herewith refer to **LEGISLATIVE AND LEGAL AFFAIRS COMMITTEE.**

That the City Council of the City of Marlborough, by two-thirds vote pursuant to Mass. Gen. Laws c. 40, § 15A, hereby transfers to the Conservation Commission of the City of Marlborough for conservation purposes, including increasing open space, preserving vistas, providing wildlife habitat, and enabling future passive recreational opportunities in conjunction with existing and proposed public passive recreational amenities, the care, custody, management, and control of the following lots in the area known as Deer Foot Park, pursuant to Mass. Gen. Laws c. 40, § 8C, for incorporation into the surrounding Desert Natural Conservation Area:

1. Those certain lots numbered 624, 625, 646, and 647, being approximately 0.23124426 acres, as shown on "Plan of Lots Of Deer Foot Park Town of Hudson and Marlboro, Middlesex County, Mass., Belonging To W.M.A. Connelly of Boston, Mass.; Scale 50 Feet To An Inch; June 1909; N.W. Daley Surveyor, Salem, Mass." recorded in the Middlesex South Registry of Deeds at Plan Book 180 as Plan 42 (A of 2) of August 26, 1909, and also known and numbered as Map 3, Parcel 28 on the Assessors' Map of the City of Marlborough.
2. Those certain lots numbered 519 and 520, being approximately 0.11478421 acres, as shown on "Plan of Lots Of Deer Foot Park Town of Hudson and Marlboro, Middlesex County, Mass., Belonging To W.M.A. Connelly of Boston, Mass.; Scale 50 Feet To An Inch; June 1909; N.W. Daley Surveyor, Salem, Mass." recorded in the Middlesex South Registry of Deeds at Plan Book 180 as Plan 42 (A of 2) of August 26, 1909, and also known and numbered as Map 3, Parcel 25 on the Assessors' Map of the City of Marlborough.
3. That certain lot numbered 384, being approximately 0.07805326 acres, as shown on "Plan of Lots Of Deer Foot Park Town of Hudson and Marlboro, Middlesex County, Mass., Belonging To W.M.A. Connelly of Boston, Mass.; Scale 50 Feet To An Inch; June 1909; N.W. Daley Surveyor, Salem, Mass." recorded in the Middlesex South Registry of Deeds at Plan Book 180 as Plan 42 (A of 2) of August 26, 1909, and also known and numbered as Map 3, Parcel 21 on the Assessors' Map of the City of Marlborough.



IN CITY COUNCIL

Marlborough, Mass., _____ JULY 7, 2014
PAGE 2

ORDERED:

4. That certain lot numbered 385, being approximately 0.0573921 acres, as shown on "Plan of Lots Of Deer Foot Park Town of Hudson and Marlboro, Middlesex County, Mass., Belonging To W.M.A. Connelly of Boston, Mass.; Scale 50 Feet To An Inch; June 1909; N.W. Daley Surveyor, Salem, Mass." recorded in the Middlesex South Registry of Deeds at Plan Book 180 as Plan 42 (A of 2) of August 26, 1909, and also known and numbered as Map 3, Parcel 22 on the Assessors' Map of the City of Marlborough.
5. Those certain lots numbered 292, 293, and 294, being approximately 0.17217631 acres, as shown on "Plan of Lots Of Deer Foot Park Town of Hudson and Marlboro, Middlesex County, Mass., Belonging To W.M.A. Connelly of Boston, Mass.; Scale 50 Feet To An Inch; June 1909; N.W. Daley Surveyor, Salem, Mass." recorded in the Middlesex South Registry of Deeds at Plan Book 180 as Plan 42 (A of 2) of August 26, 1909, and also known and numbered as Map 3, Parcel 19 on the Assessors' Map of the City of Marlborough.
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7. Those certain lots numbered 115, 116, and 117, being approximately 0.12913223 acres, as shown on "Plan of Lots Of Deer Foot Park Town of Hudson and Marlboro, Middlesex County, Mass., Belonging To W.M.A. Connelly of Boston, Mass.; Scale 50 Feet To An Inch; June 1909; N.W. Daley Surveyor, Salem, Mass." recorded in the Middlesex South Registry of Deeds at Plan Book 180 as Plan 42 (A of 2) of August 26, 1909, and also known and numbered as Map 3, Parcel 13 on the Assessors' Map of the City of Marlborough.



IN CITY COUNCIL

Marlborough, Mass., _____ JULY 7, 2014
PAGE 3

ORDERED:

8. That certain lot number 87 being approximately 0.06473829 acres as shown on "Plan of Lots Of Deer Foot Park Town of Hudson and Marlboro, Middlesex County, Mass., Belonging To W.M.A. Connelly of Boston, Mass.; Scale 50 Feet To An Inch; June 1909; N.W. Daley Surveyor, Salem, Mass." recorded in the Middlesex South Registry of Deeds at Plan Book 180 as Plan 42 (A of 2) of August 26, 1909, and also known and numbered as Map 3, Parcel 10 on the Assessors' Map of the City of Marlborough.
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ADOPTED

ORDER NO. 14-1005881C



15
City of Marlborough

Office of the Mayor

RECEIVED *Arthur G. Vigeant*
CITY CLERK'S OFFICE MAYOR
CITY OF MARLBOROUGH
2014 JUL -2 P 11:53
Michael C. Berry
EXECUTIVE AIDE

140 Main Street
Marlborough, Massachusetts 01752
Tel. (508) 460-3770 Facsimile (508) 460-3698 TDD (508) 460-3610
www.marlborough-ma.gov

Patricia Bernard
EXECUTIVE SECRETARY

July 2, 2014

City Council President Patricia Pope
Marlborough City Council
140 Main Street
Marlborough, MA 01752

**RE: Order Of Taking By Eminent Domain; Order of Acceptance Of Deeds;
Order Transferring Care, Management and Control To the Conservation
Commission; and Determination of Unique Acquisition**

Dear President Pope and Members:

Enclosed herewith please find three proposed orders, including an Order Of Taking By Eminent Domain and an Order Of Acceptance of Deeds for the purposes of augmenting the Desert Conservation Area with privately-owned parcels of land. These parcels, located in an area known as Deer Foot Park, are surrounded by conservation land. The third proposed Order would transfer the parcels to the care, management and control of the Conservation Commission.

In addition, the enclosures include the Chief Procurement Officer's determination that the location and unique qualities of the land satisfy the unique acquisition requirements of M.G.L. Chapter 30B, §16(e)(2). Also enclosed is a copy of the 1909 recorded plan for Deer Foot Park together with, for orientation and comparison, a GIS plan and a GIS aerial view.

This proposal is being requested on behalf of the Conservation Commissioner, Priscilla Ryder. The Commissioner and the Legal Department will be available to answer any specific questions relative to the project. As always, I am available to answer any questions that you may have concerning the attached.

Sincerely,

Arthur G. Vigeant
Mayor

Enclosure

Cc: Priscilla Ryder, Conservation Commissioner
Legal Department
Deborah Fox, Tax Collector
Bradford Dunn, Assessors' Office
Beverly J. Sleeper, Chief Procurement Officer

ORDERED:

That the City Council of the City of Marlborough, by two-thirds vote pursuant to Mass. Gen. Laws c. 40, § 15A, hereby transfers to the Conservation Commission of the City of Marlborough for conservation purposes, including increasing open space, preserving vistas, providing wildlife habitat, and enabling future passive recreational opportunities in conjunction with existing and proposed public passive recreational amenities, the care, custody, management, and control of the following lots in the area known as Deer Foot Park, pursuant to Mass. Gen. Laws c. 40, § 8C, for incorporation into the surrounding Desert Natural Conservation Area:

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ADOPTED

In City Council
Order No. 14-
Adopted

Approved By Mayor
Arthur G. Vigeant
Date:

A TRUE COPY

ATTEST:

City of Marlborough



PROCUREMENT OFFICE

140 Main Street, 3RD Floor, Marlborough, MA 01752
DIRECT DIAL (508) 460-3707 FACSIMILE (508) 460-3747 TDD (508) 460-3610
BSLEEPER@MARLBOROUGH-MA.GOV

June 30, 2014

Arthur G. Vigeant, Mayor
City Hall
140 Main Street
Marlborough, MA 01752

RE: Unique Acquisition of Real Property – Deer Foot Park Parcels

Dear Mayor Vigeant:

Pursuant to the provisions of M.G.L. c. 30B, § 16, the City must solicit proposals prior to obtaining real property valued in excess of \$25,000 *unless* the City Council determines in writing that advertising for the submissions of proposals will not benefit the City's interests because of the unique qualities or location of the property needed (M.G.L. c. 30B, § 16(e)(2)). It is my understanding that the City is interested in acquiring parcels of land located within the area known as Deer Foot Park as shown on "Plan of Lots of Deer Foot Park Town of Hudson and Marlboro, Middlesex County, Mass., Belonging to W.M.A. Connelly of Boston, Mass.; Scale 50 Feet to An Inch; June 1909; N.W. Daley Surveyor, Salem, Mass." Recorded in the Middlesex South Registry of Deeds in Plan Book 180 as Plan 42 (A of 2) of August 26, 1909 and identified as Assessor's Map 3, Parcels 28, 25, 21, 22, 19, 17, and 13 (the "Land"), which have a total assessed value of \$31,800. The parcels remain privately-owned and are located in an inaccessible/unbuilt subdivision dating from around WW1, called Deer Foot Park. It is my understanding that these parcels originally were conveyed to WWI veterans, but none of the parcels were ever developed, and no roads ever built.

For the City Council's deliberation and approval, I have determined that the location and qualities of the Land satisfy the unique requirements of the City pursuant to M.G.L. c. 30B, § 16(e)(2). Specifically, the Land consists of wooded open space, uniquely situated because it abuts existing City open space parcels, which has been designated as potential open space by the City's 2011-2018 Open Space and Recreation Plan and upon which the City proposes to accept for conservation purposes. The City seeks to acquire this property in order to increase open space, to preserve vistas, to provide wildlife habitat, and to enable future passive recreational opportunities in conjunction with existing and proposed public passive recreational amenities.

In light of the foregoing, it is my opinion that it is proper to waive the advertisement requirements of M.G.L. c. 30B, § 16 with respect to the acquisition of the Land. Pursuant to M.G.L. c. 30B, § 16, I will publish this determination along with the names of parties having a beneficial interest in the property as required under M.G.L. c. 7C, § 38, the location and size of the property, and the proposed purchase price in the Commonwealth's Central Register not less than thirty (30) days before the City accepts the deeds for nominal consideration from the owners of these parcels.

Page 2
Letter to Mayor RE: Deer foot Park Parcels
June 30, 2014

If you have any questions or require further information, please let me know.

Sincerely,

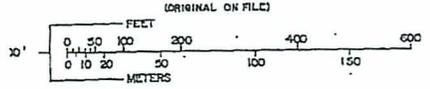
A handwritten signature in cursive script that reads "Beverly J. Sleeper".

Beverly J. Sleeper
Chief Procurement Officer

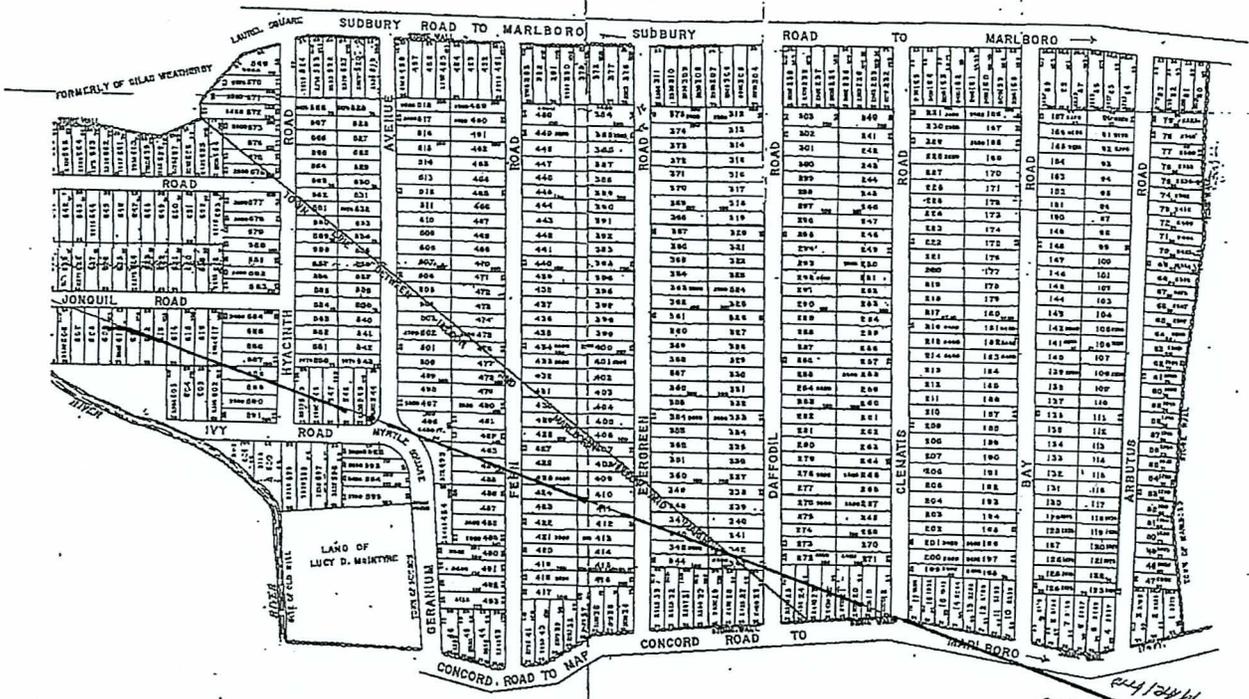
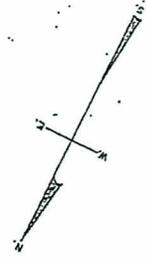
cc: Cynthia Panagore Griffin, Assistant City Solicitor
Priscilla Ryder, Conservation Agent

PLAN OF LOTS
AT
DEER FOOT PARK
TOWN OF
HUDSON AND MARLBORO
MIDDLESEX COUNTY MASS.
BELONGING TO W. M. A. CONNELLY OF BOSTON, MASS.
SCALE 50 FEET TO AN INCH JUNE 1909.
N.W. DALEY SURVEYOR GALEM MASS.

HUDSON AND MARLBORO



THE LINE SHOWN (ESPECIALLY THE
THIS PLAN IS THE BOUNDARY BETWEEN
HUDSON & MARLBORO, BROOKLYN
OF THE LINE, MARLBORO BOUNDARY
THIS LINE IS APPROXIMATE ONLY.



MIDDLESEX REGISTER OF DEEDS, SS. W.
CAMBRIDGE, MASS.
RECORDED AUG. 26 1909, 1:22 P.M.
PLAN BOOK 180, PAGE 42 (A of 2)

(SCALE 100 FEET = 1 INCH)
PLAN BOOK 180 PLAN 42 (B of 2)

Deer Foot Park (Desert Conservation Area)



-----	Easements	Parking Lots
---	Driveways	Type
□	Type	□ Paved
□	Paved	□ DEP WETLAND

1 inch = 389 feet



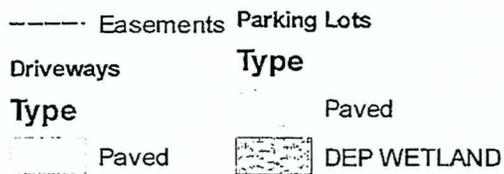
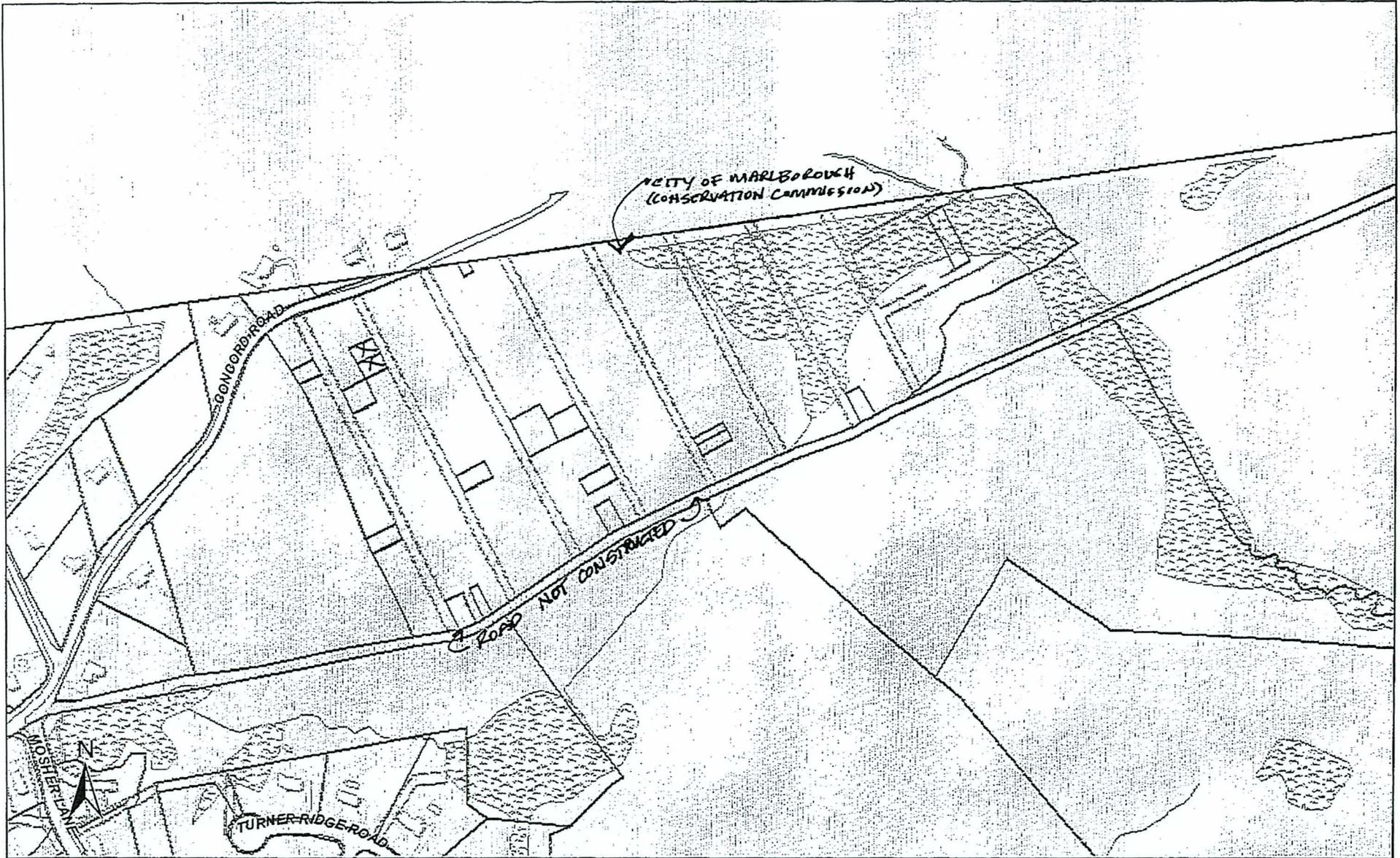
July 2, 2014

City of Marlborough



All Marlborough GIS data is to be considered a generalized spatial representation that is subject to revisions. This information is provided as a visual representation only and is not to be used as a legal or official representation of legal boundaries. This web site is not intended to be used as the exclusive basis for decision-making.

Deer Foot Park (Desert Conservation Area)



1 inch = 389 feet



July 2, 2014

City of Marlborough



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