

CITY OF MARLBOROUGH MEETING POSTING

Meeting Name: City Council Legislative and Legal Affairs Committee

Date: May 19, 2015

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

2015 MAY 15 A 11: 17

4-27-15 – Order No.15-1006181: Communication from the Mayor with attached Order of Taking by Eminent domain regarding Farm Road Reconstruction Project
-REFER TO LEGISLATIVE AND LEGAL AFFAIRS

4-27-15 – Order No.15-1006182: Communication from the Mayor with proposed Grant of Easements, as requested by the Mass Water Resources Authority (MWRA) for the purposes of constructing a new security gate for the John J. Carroll Water Treatment Plant
-REFER TO LEGISLATIVE AND LEGAL AFFAIRS

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., _____ APRIL 27, 2015
PAGE 6

ORDERED:

Be and is herewith refer to **LEGISLATIVE AND LEGAL AFFAIRS COMMITTEE.**

ADOPTED

ORDER NO. 15-1006181



IN CITY COUNCIL

Marlborough, Mass., APRIL 27, 2015
PAGE 3

ORDERED:

OWNERS: Marcos Flores & Lucy Montoya
479 Farm Road
Marlborough, MA 01752

Said plans, dated April 21, 2015, entitled "Preliminary Right-Of-Way Plans, Far, Road, in the city of Marlborough, Middlesex County, by Vanasse Hangen Bruslin, Inc." to be recorded with the Middlesex South District Registry of Deeds together with an attested copy of this Order.

AWARDS

The City Council hereby makes the following awards for damages for the owner or owners of record:

<u>OWNERS</u>	<u>MARLBOROUGH</u>	<u>AREA</u>
<u>AWARD</u>	<u>ASSESSORS</u>	
	<u>MAP/PARCEL</u>	
Alexander Akers & Augustine Onoja 500 Farm Road Marlborough, MA	84-105	471 S.F. (TE-23)
David B. Richard & Patricia A. Richard 747 Farm Road Marlborough, MA 01752	73-46	235 S.F. (TE-65)
William P. Shea 184 Helen Drive Marlborough, MA 01752	85-6	371 S.F. (TE-40) 937 S.F. (TE-42) 2,263 S.F. (E-10)
Duarte Domingues & Maria Domingues 233 Phelps Street Marlborough, MA 01752	84-139	100 S.F. (TE-13) 56 S.F. (E-02)
Charles P. Trombetta, Trustee 10 Broadmeadow Street Realty Trust 655 Farm Road Marlborough, MA	85-10	173 S.F. (E-11)
Marcos Flores & Lucy Montoya 479 Farm Road Marlborough, MA 01752	84-96	68 S.F. (PUE-28)



IN CITY COUNCIL

Marlborough, Mass., _____ APRIL 27, 2015
PAGE 4

ORDERED:

Permanent easement for sidewalk construction and maintenance purposes: Being a 56 S.F. portion of the property located at 233 Phelps Street, Marlborough, MA, known and numbered as Map 84, Parcel 139 on the Assessors' Map of the City of Marlborough, which portion is shown as Parcel E-02 on Sheet 8 of 17 of a set of plans, dated April 21, 2015, entitled "Preliminary Right-Of-Way Plans, Far, Road, in the city of Marlborough, Middlesex County, by Vanasse Hangen Bruslin, Inc."

OWNERS: Duarte Domingues & Maria Domingues
233 Phelps Street
Marlborough, MA 01752

5. Street Address: 10 Broadmeadow Street, Marlborough, MA 01752

Fee interest acquisition for sidewalk construction purposes: Being a 173 S.F. portion of the property located at 10 Broadmeadow Street, Marlborough, MA, known and numbered as Map 85, Parcel 10 on the Assessors' Map of the City of Marlborough, which portion is shown as Parcel E-11 on Sheet 13 of 17 of a set of plans, dated April 21, 2015, entitled "Preliminary Right-Of-Way Plans, Farm Road, in the city of Marlborough, Middlesex County, by Vanasse Hangen Bruslin, Inc."

OWNER: Charles P. Trombetta, Trustee
10 Broadmeadow Street Realty Trust
655 Farm Road
Marlborough, MA

6. Street Address: 479 Farm Road, Marlborough, MA 01752

Permanent easement for installation and maintenance of new utility support pole: Being a 68 S.F., more or less, portion of the property located at 479 Farm Road, known and numbered as Map 84, Parcel 96 on the Assessors' Map of the City of Marlborough, which portion is shown as Parcel PUE-28 on Sheet 10 of 17 of a set of plans, dated April 21, 2015, entitled "Preliminary Right-Of-Way Plans, Far, Road, in the city of Marlborough, Middlesex County, by Vanasse Hangen Bruslin, Inc."



IN CITY COUNCIL

Marlborough, Mass., _____ APRIL 27, 2015
PAGE 3

ORDERED:

Temporary easement for grading purposes: Being a 937 S.F. portion of the property located at 184 Helen Drive, Marlborough, MA, known and numbered as Map 85, Parcel 6 on the Assessors' Map of the City of Marlborough, which portion is shown as Parcel TE-42 on Sheet 12 of 17 of a set of plans, dated April 21, 2015, entitled "Preliminary Right-Of-Way Plans, Far, Road, in the city of Marlborough, Middlesex County, by Vanasse Hangen Bruslin, Inc."

Said temporary easements shall automatically terminate and be of no further force or effect on and after the third anniversary of the date of entry by the City of Marlborough, its agents and employees, onto said land for the purposes of the reconstruction, construction, and maintenance of improvements to Farm Road.

Permanent easement for culvert replacement and maintenance purposes: Being a 2,263 S.F. portion of the property located at 184 Helen Drive, Marlborough, MA, known and numbered as Map 85, Parcel 6 on the Assessors' Map of the City of Marlborough, which portion is shown as Parcel E-10 on Sheet 12 of 17 of a set of plans, dated April 21, 2015, entitled "Preliminary Right-Of-Way Plans, Far, Road, in the city of Marlborough, Middlesex County, by Vanasse Hangen Bruslin, Inc."

OWNER: William P. Shea
184 Helen Drive
Marlborough, MA 01752

4. Street Address: 233 Phelps Street, Marlborough, MA 01752

Temporary easement for grading and sidewalk purposes: Being a 100 S.F. portion of the property located at 233 Phelps Street, Marlborough, MA, known and numbered as Map 84, Parcel 139 on the Assessors' Map of the City of Marlborough, which portion is shown as Parcel TE-13 on Sheet 8 of 17 of a set of plans, dated April 21, 2015, entitled "Preliminary Right-Of-Way Plans, Far, Road, in the city of Marlborough, Middlesex County, by Vanasse Hangen Bruslin, Inc."

Said temporary easement shall automatically terminate and be of no further force or effect on and after the third anniversary of the date of entry by the City of Marlborough, its agents and employees, onto said land for the purposes of the reconstruction, construction, and maintenance of improvements to Farm Road.



IN CITY COUNCIL

Marlborough, Mass.,

APRIL 27, 2015

PAGE 2

ORDERED:

Said temporary easement shall automatically terminate and be of no further force or effect on and after the third anniversary of the date of entry by the City of Marlborough, its agents and employees, onto said land for the purposes of the reconstruction, construction, and maintenance of improvements to Farm Road.

OWNERS: Alexander Akers & Augustine Onoja
500 Farm Road
Marlborough, MA

2. Street Address: 747 Farm Road, Marlborough, MA

Temporary easement for the purposes of grading, driveway reconstruction, and access to communications box services box (on utility pole): Being a 235 S.F. portion of the property located at 747 Farm Road, Marlborough, MA, known and numbered as Map 73, Parcel 46 on the Assessors' Map of the City of Marlborough, which portion is shown as Parcel TE-65 on Sheet 16 of 17 of a set of plans, dated April 21, 2015, entitled "Preliminary Right-Of-Way Plans, Far, Road, in the city of Marlborough, Middlesex County, by Vanasse Hangen Bruslin, Inc."

Said temporary easement shall automatically terminate and be of no further force or effect on and after the third anniversary of the date of entry by the City of Marlborough, its agents and employees, onto said land for the purposes of the reconstruction, construction, and maintenance of improvements to Farm Road.

OWNERS: David B. Richard & Patricia A. Richard
747 Farm Road
Marlborough, MA 01752

3. Street Address: 184 Helen Drive, Marlborough, MA 01752

Temporary easement for hay bale placement purposes: Being a 371 S.F. portion of the property located at 184 Helen Drive, Marlborough, MA, known and numbered as Map 85, Parcel 6 on the Assessors' Map of the City of Marlborough, which portion is shown as Parcel TE-40 on Sheet 12 of 17 of a set of plans, dated April 21, 2015, entitled "Preliminary Right-Of-Way Plans, Far, Road, in the city of Marlborough, Middlesex County, by Vanasse Hangen Bruslin, Inc."



IN CITY COUNCIL

Marlborough, Mass., _____ APRIL 27, 2015
PAGE 1

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 the easement interests in certain portions of land located on Farm Road and located on land at the intersections of Farm Road with Phelps Street, Helen Drive, and Broadmeadow Street (hereinafter, "Farm Road"), as more particularly described herein, be taken for the purpose of the reconstruction, construction, and maintenance of improvements to Farm Road, and for other municipal 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;

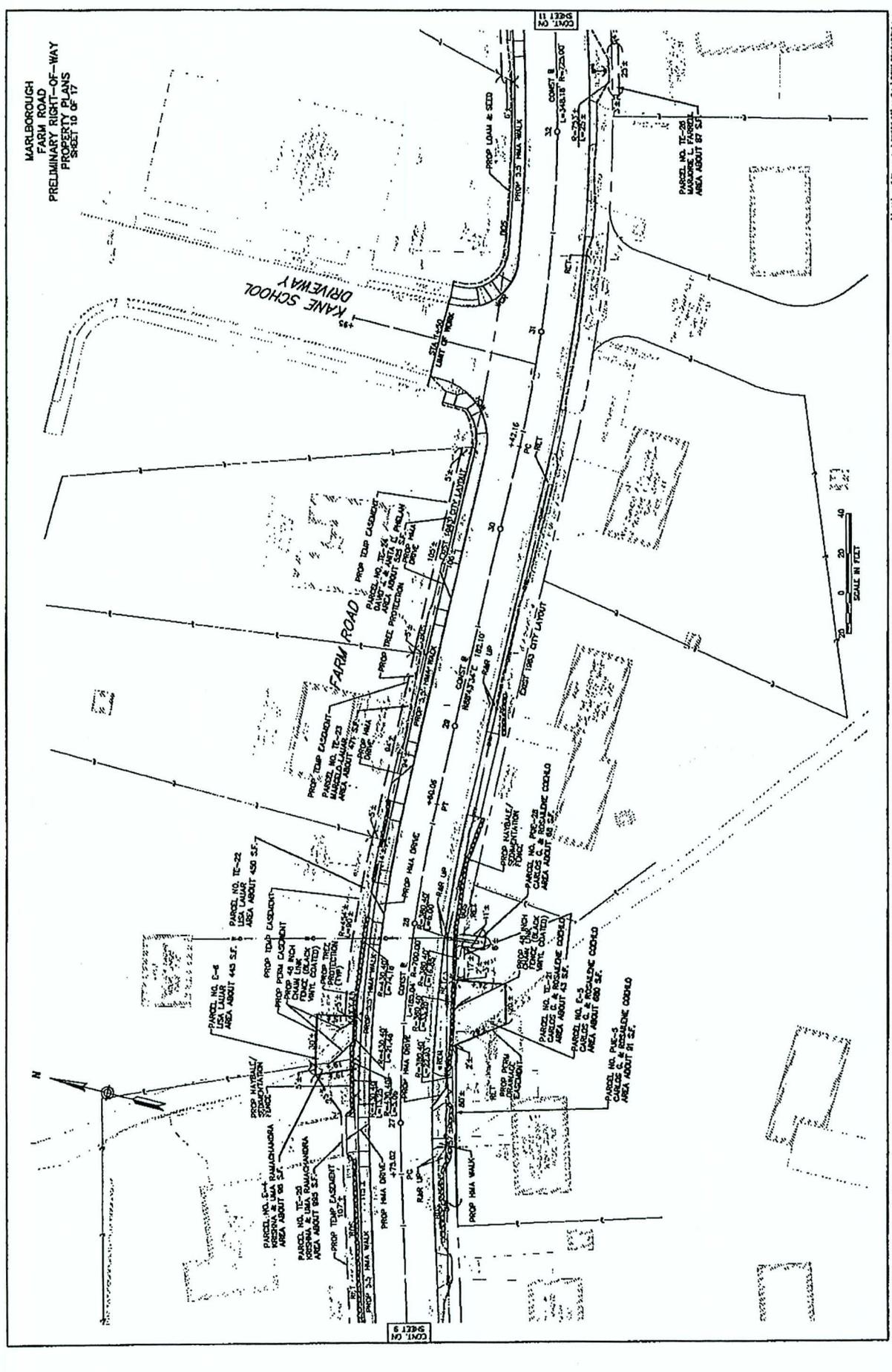
NOW, THEREFORE, IT IS HEREBY ORDERED that the City Council of the City of Marlborough, acting in accordance with the power and authority conferred by the City Charter, Division 1, Section 30, Massachusetts General Laws, Chapter 79 and every power and authority thereto enabling, and in the exercise of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

DESCRIPTION OF LAND TAKEN

1. **Street address: 500 Farm Road, Marlborough, MA 01752**

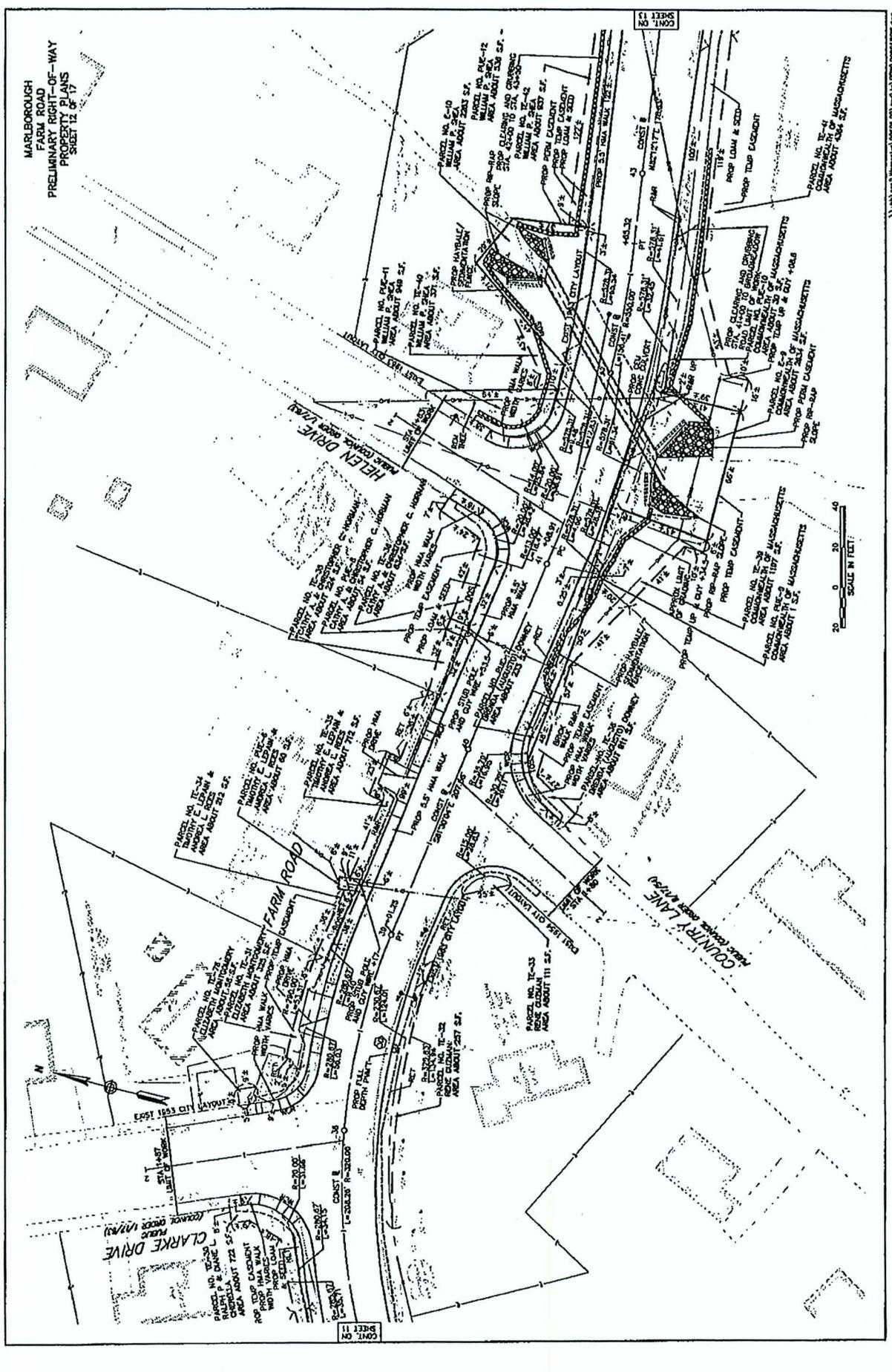
Temporary easement for hay bale placement purposes: Being a 471 S.F portion of the property located on Farm Road, Marlborough, MA, known and numbered as Map 84, Parcel 105 on the Assessors' Map of the City of Marlborough and shown as Parcel TE-23 on Sheet 10 of 17 of a set of plans, dated April 21, 2015, entitled "Preliminary Right-Of-Way Plans, Far, Road, in the city of Marlborough, Middlesex County, by Vanasse Hangen Bruslin, Inc."

MARLBOROUGH
 FARM ROAD
 PRELIMINARY RIGHT-OF-WAY
 PROPERTY PLANS
 SHEET 10 OF 17



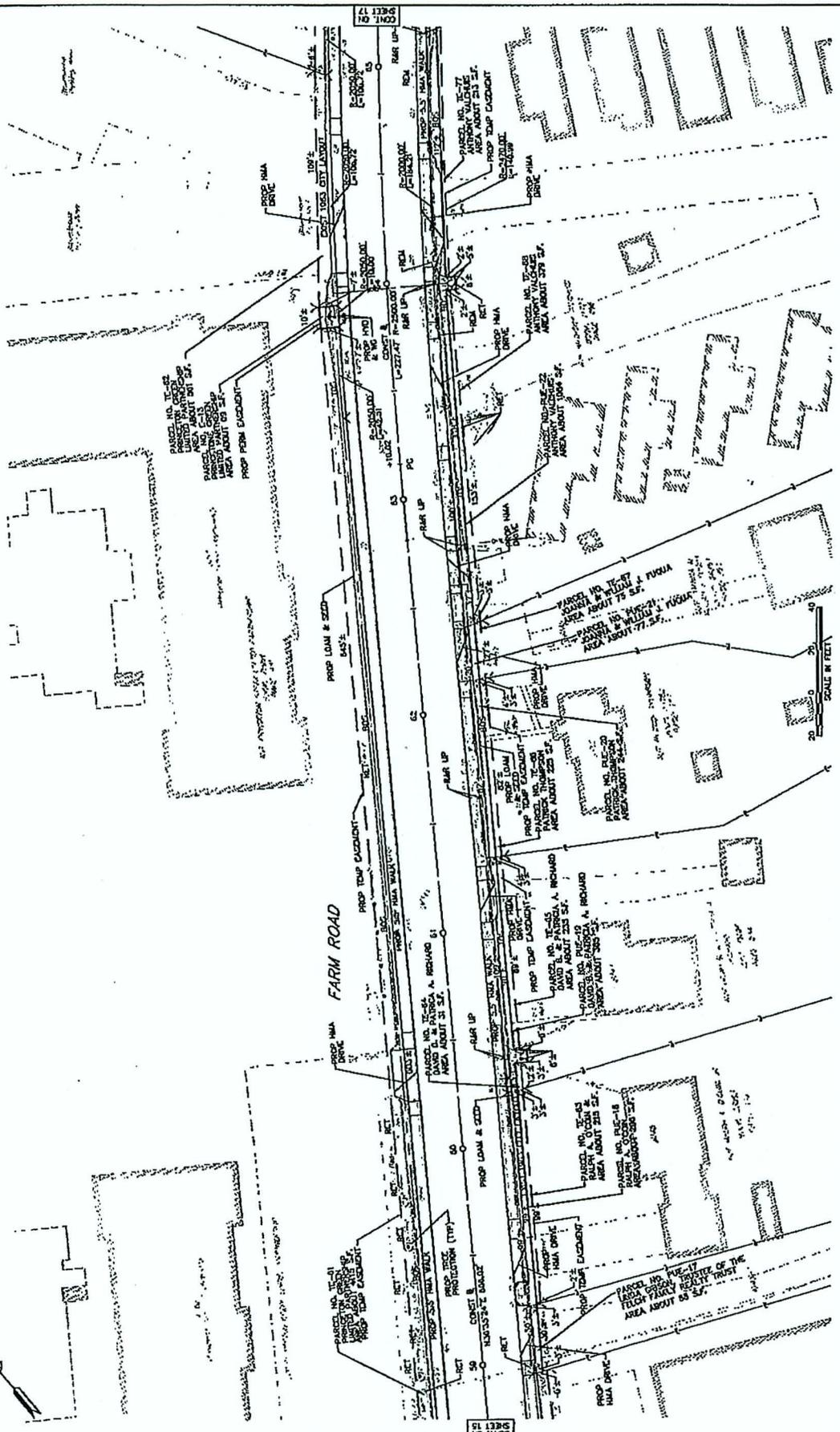
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MARLBOROUGH
 FARM ROAD
 PRELIMINARY RIGHT-OF-WAY
 PROPERTY PLANS
 SHEET 12 OF 17



11/10/2010 10:00:00 AM (10/10/2010 10:00:00 AM) (10/10/2010 10:00:00 AM)

MARLBOROUGH
 FARM ROAD
 PRELIMINARY RIGHT-OF-WAY
 PROPERTY PLANS
 SHEET 18 OF 17



11000 State Street, Marlborough, MA 01752



City of Marlborough

Office of the Mayor

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

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2015 APR 23 A 11:38

Arthur G. Vigeant
MAYOR

Michael C. Berry
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

April 23, 2015

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

RE: Order of Taking by Eminent Domain Regarding Farm Road Reconstruction Project

Dear Honorable President Pope and Councilors:

Enclosed herewith please find a proposed Order Of Taking By Eminent Domain concerning the Farm Road reconstruction project. The proposed order is requested on behalf of the Department of Public Works.

The Commissioner and/or Engineering will be available to answer any specific questions relative to the project.

Sincerely,

Arthur G. Vigeant
Mayor

Enclosure

Cc: John Ghiloni, Commissioner
Evan Pilachowski, City Engineer
Cynthia Panagore Griffin, Assistant City Solicitor



CITY OF MARLBOROUGH
Department of Public Works
Office of the Commissioner
135 Neil Street
Marlborough, Massachusetts 01752
(508) 624-6910 Ext. 7200
Facsimile (508) 624-7699 TDD (508) 460-3610

April 24, 2015

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

RE: Order of Taking by Eminent Domain Regarding Farm Road Reconstruction Project

Dear Mayor Vigeant:

I request that you send to the City Council, for their action, the attached Order of Taking by Eminent Domain.

By the proposed Order of Taking, the City would acquire certain easement interests, and a fee interest, in private land located on Farm Road and at its intersection with Phelps Street, Helen Drive, and Broadmeadow Street. The purpose of the takings, more fully described in the order, is related to the reconstruction of Farm Road.

I am available to answer any specific questions relative to the project.

Sincerely,

For John Ghiloni
Commissioner of Public Works

Enclosures

Cc: Donald V. Rider, Jr., City Solicitor
Cynthia Panagore Griffin, Assistant City Solicitor
Evan Pilachowski, City Engineer

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 the easement interests in certain portions of land located on Farm Road and located on land at the intersections of Farm Road with Phelps Street, Helen Drive, and Broadmeadow Street (hereinafter, "Farm Road"), as more particularly described herein, be taken for the purpose of the reconstruction, construction, and maintenance of improvements to Farm Road, and for other municipal 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 the easement interests in the following described land, including all trees and other vegetation thereon.

DESCRIPTION OF LAND TAKEN

1. **Street address: 500 Farm Road, Marlborough, MA 01752**

Temporary easement for hay bale placement purposes: Being a 471 S.F portion of the property located on Farm Road, Marlborough, MA, known and numbered as Map 84, Parcel 105 on the Assessors' Map of the City of Marlborough and shown as Parcel TE-23 on Sheet 10 of 17 of a set of plans, dated April 21, 2015, entitled "Preliminary Right-Of-Way Plans, Farm Road, in the city of Marlborough, Middlesex County, by Vanasse Hangen Bruslin, Inc."

Said temporary easement shall automatically terminate and be of no further force or effect on and after the third anniversary of the date of entry by the City of Marlborough, its agents and employees, onto said land for the purposes of the reconstruction, construction, and maintenance of improvements to Farm Road.

OWNERS: Alexander Akers & Augustine Onoja
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2. Street Address: 747 Farm Road, Marlborough, MA

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OWNER: William P. Shea
184 Helen Drive
Marlborough, MA 01752

4. Street Address: 233 Phelps Street, Marlborough, MA 01752

Temporary easement for grading and sidewalk purposes: Being a 100 S.F. portion of the property located at 233 Phelps Street, Marlborough, MA, known and numbered as Map 84, Parcel 139 on the Assessors' Map of the City of Marlborough, which portion is shown as Parcel TE-13 on Sheet 8 of 17 of a set of plans, dated April 21, 2015, entitled "Preliminary Right-Of-Way Plans, Far, Road, in the city of Marlborough, Middlesex County, by Vanasse Hangen Bruslin, Inc."

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OWNERS: Duarte Domingues & Maria Domingues
233 Phelps Street
Marlborough, MA 01752

5. Street Address: 10 Broadmeadow Street, Marlborough, MA 01752

Fee interest acquisition for sidewalk construction purposes: Being a 173 S.F. portion of the property located at 10 Broadmeadow Street, Marlborough, MA, known and numbered as Map 85, Parcel 10 on the Assessors' Map of the City of Marlborough, which portion is shown as Parcel E-11 on Sheet 13 of 17 of a set of plans, dated April 21, 2015, entitled "Preliminary Right-Of-Way Plans, Farm Road, in the city of Marlborough, Middlesex County, by Vanasse Hangen Bruslin, Inc."

OWNER: Charles P. Trombetta, Trustee
10 Broadmeadow Street Realty Trust
655 Farm Road
Marlborough, MA

6. Street Address: 479 Farm Road, Marlborough, MA 01752

Permanent easement for installation and maintenance of new utility support pole: Being a 68 S.F., more or less, portion of the property located at 479 Farm Road, known and numbered as Map 84, Parcel 96 on the Assessors' Map of the City of Marlborough, which portion is shown as Parcel PUE-28 on Sheet 10 of 17 of a set of plans, dated April 21, 2015, entitled "Preliminary Right-Of-Way Plans, Far, Road, in the city of Marlborough, Middlesex County, by Vanasse Hangen Bruslin, Inc."

OWNERS: Marcos Flores & Lucy Montoya
479 Farm Road
Marlborough, MA 01752

Said plans, dated April 21, 2015, entitled "Preliminary Right-Of-Way Plans, Far, Road, in the city of Marlborough, Middlesex County, by Vanasse Hangen Bruslin, Inc." to be recorded with the Middlesex South District Registry of Deeds together with an attested copy of this Order.

AWARDS

The City Council hereby makes the following awards for damages for the owner or owners of record:

<u>OWNERS</u>	<u>MARLBOROUGH ASSESSORS MAP/PARCEL</u>	<u>AREA</u>	<u>AWARD</u>
Alexander Akers & Augustine Onoja 500 Farm Road Marlborough, MA	84-105	471 S.F. (TE-23)	
David B. Richard & Patricia A. Richard 747 Farm Road Marlborough, MA 01752	73-46	235 S.F. (TE-65)	
William P. Shea 184 Helen Drive Marlborough, MA 01752	85-6	371 S.F. (TE-40) 937 S.F. (TE-42) 2,263 S.F. (E-10)	
Duarte Domingues & Maria Domingues 233 Phelps Street Marlborough, MA 01752	84-139	100 S.F. (TE-13) 56 S.F. (E-02)	
Charles P. Trombetta, Trustee 10 Broadmeadow Street Realty Trust 655 Farm Road Marlborough, MA	85-10	173 S.F. (E-11)	

Marcos Flores & Lucy Montoya
479 Farm Road
Marlborough, MA 01752

84-96

68 S.F. (PUE-28)

ADOPTED
In City Council
Order No. 15-
Adopted

Approved By Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST



CITY OF MARLBOROUGH
Department of Public Works
Office of the Commissioner
135 Neil Street
Marlborough, Massachusetts 01752
(508) 624-6910 Ext. 7200
Facsimile (508) 624-7699 TDD (508) 460-3610

April 24, 2015

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

RE: Order of Taking by Eminent Domain Regarding Farm Road Reconstruction Project

Dear Mayor Vigeant:

I request that you send to the City Council, for their action, the attached Order of Taking by Eminent Domain.

By the proposed Order of Taking, the City would acquire certain easement interests, and a fee interest, in private land located on Farm Road and at its intersection with Phelps Street, Helen Drive, and Broadmeadow Street. The purpose of the takings, more fully described in the order, is related to the reconstruction of Farm Road.

I am available to answer any specific questions relative to the project.

Sincerely,

For John Ghiloni
Commissioner of Public Works

Enclosures

Cc: Donald V. Rider, Jr., City Solicitor
Cynthia Panagore Griffin, Assistant City Solicitor
Evan Pilachowski, City Engineer



IN CITY COUNCIL

APRIL 27, 2015

Marlborough, Mass., _____

ORDERED:

That the City of Marlborough grant a permanent easement, to be executed by the Mayor on behalf of the City, to the MASSACHUSETTS WATER RESOURCES AUTHORITY, a Massachusetts public authority having its principal place of business at the Charlestown Navy Yard, 100 First Avenue, Building 39, Boston, Massachusetts 02129, and a facility known as the John J. Carroll Water Treatment Plant located at 86 D'Angelo Drive, Marlborough, MA, described as PARCEL 1, PARCEL 2, and PARCEL 3 in the attached Grant of Permanent Easements and as shown on the plan attached to said Grant as Exhibit "A", entitled "Easement Plan of Land In Marlborough, Massachusetts, Prepared For Massachusetts Water Resources Authority, March 26, 2014, By Bryant Associates, Inc., 90 Canal Street, Suite 301, Boston, MA 02114, Scale 1" = 20 FT." for the purposes of entering upon, passing and repassing, and excavating, locating, relocating, erecting, constructing, reconstructing, adding to, extending, repairing, replacing, maintaining, operating, inspecting or removing structures, utilities, equipment, appurtenances and fixtures on, over, under and across those certain parcels of land of the City of Marlborough described and shown on Exhibit "A", which shall be recorded at the Middlesex South District Registry of Deeds.

Be and is herewith refer to **LEGISLATIVE AND LEGAL AFFAIRS COMMITTEE.**

ADOPTED

ORDER NO. 15-1006182



City of Marlborough

Office of the Mayor

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

4
RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2015 APR 23 A H 30
Arthur G. Vigeant
MAYOR
Michael C. Berry
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

April 23, 2015

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

RE: Grant of Easement To The Massachusetts Water Resources Authority (MWRA)

Dear Honorable President Pope and Councilors:

Enclosed herewith please find a proposed Order for Grant of Easements to the Massachusetts Water Resources Authority (MWRA) concerning a portion of City-owned land on D'Angelo Drive. The MWRA has requested the easements for the purposes of constructing a new security gate for the John J. Carroll Water Treatment Plant. The proposed order is requested on behalf of the Department of Public Works.

The Commissioner and/or Engineering will be available to answer any specific questions relative to the project.

Sincerely,

Arthur G. Vigeant
Mayor

Enclosure

Cc: John Ghiloni, Commissioner
Evan Pilachowski, City Engineer
Cynthia Panagore Griffin, Assistant City Solicitor



CITY OF MARLBOROUGH
Department of Public Works
Office of the Commissioner
135 Neil Street
Marlborough, Massachusetts 01752
(508) 624-6910 Ext. 7200
Facsimile (508) 624-7699 TDD (508) 460-3610

April 24, 2015

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

RE: Grant of Easement To The Massachusetts Water Resources Authority (MWRA)

Dear Mayor Vigeant:

I request that you send to the City Council, for their action, the attached Order for a Grant of Easements to the Massachusetts Water Resources Authority (MWRA) concerning a portion of City-owned land on D'Angelo Drive. The MWRA has requested the easements for the purposes of constructing a new security gate for the John J. Carroll Water Treatment Plant.

I am available to answer any specific questions relative to the project.

Sincerely,



For John Ghiloni

Commissioner of Public Works

Enclosures

Cc: Donald V. Rider, Jr., City Solicitor
Cynthia Panagore Griffin, Assistant City Solicitor
Evan Pilachowski, City Engineer



IN CITY COUNCIL

Marlborough, Mass.,

APRIL 27, 2015

PAGE 1

ORDERED:

GRANT OF PERMANENT EASEMENTS

The CITY OF MARLBOROUGH, a municipal corporation duly organized and existing under the laws of the Commonwealth of Massachusetts having an address of 140 Main Street, Marlborough, Massachusetts (hereinafter called the Grantor), in consideration of the mutual covenants contained herein, grant(s) to the MASSACHUSETTS WATER RESOURCES AUTHORITY, a Massachusetts public authority having its principal place of business at the Charlestown Navy Yard, 100 First Avenue, Building 39, Boston, Massachusetts 02129, and a facility known as the John J. Carroll Water Treatment Plant located at 86 D'Angelo Drive, Marlborough, MA, its successors and assigns (hereinafter called the Grantee), with quitclaim covenants, the right and easement to enter upon, pass and repass, excavate, locate, relocate, erect, construct, reconstruct, add to, extend, repair, replace, maintain, operate, inspect or remove structures, utilities, equipment, appurtenances and fixtures on, over, under and across those certain parcels of Grantor's land described and shown as PARCEL 1, PARCEL 2, and PARCEL 3 on the plan entitled "Easement Plan of Land In Marlborough, Massachusetts, Prepared For Massachusetts Water Resources Authority, March 26, 2014, By Bryant Associates, Inc., 90 Canal Street, Suite 301, Boston, MA 02114, Scale 1" = 20 FT." , a reduced copy of said plan being attached hereto as "Exhibit A".

Grantor shall have no right to relocate said easements without the express written consent of the Grantee, which may be withheld in Grantee's sole discretion. The Grantee shall have all other rights and benefits that it deems necessary for the full implementation and use of the rights herein granted, including, but not limited to, the right to remove and clear all rocks, trees, brush, limbs, structures and other obstructions which in the opinion of the Grantee might interfere with the rights herein granted, and the right of vehicular and pedestrian access across the Grantor's land for all the above purposes.

It is agreed that such structures, utilities, equipment, appurtenances and fixtures and each and every part thereof, whether fixed to the realty or not, shall be and remain the property of the Grantee, its successors and assigns, as their interests may appear.



IN CITY COUNCIL

Marlborough, Mass., APRIL 27, 2015
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ORDERED:

Executed as a sealed instrument by an authorized signatory this ____ day of _____, 2015.

City of Marlborough
By Its Mayor,

Arthur G. Vigeant

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss

On this ____ day of _____, 2015, before me, the undersigned notary public, personally appeared Arthur G. Vigeant proved to me through satisfactory evidence of identification which was personal knowledge, to be the person whose name is signed on the preceding document and acknowledged to me that he, in his capacity as the Mayor of the City of Marlborough, signed it voluntarily for its stated purpose as the free act and deed of the City of Marlborough.

Notary Public
My commission expires:

Be and is herewith refer to **LEGISLATIVE AND LEGAL AFFAIRS COMMITTEE.**

ADOPTED

ORDER NO. 15-1006182

