

# CITY OF MARLBOROUGH MEETING POSTING

Meeting Name: City Council Legislative and Legal Affairs Committee

Date: June 2, 2015

Time: 5:00 PM

Location: City Council Chamber, 2<sup>nd</sup> Floor, City Hall, 140 Main Street

Agenda Items to be addressed:

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

2015 MAY 27 A 9:58

Continued Review:

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

### 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 re-passing, 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

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

2015 APR 23

4  
*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

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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  
PAGE 2

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

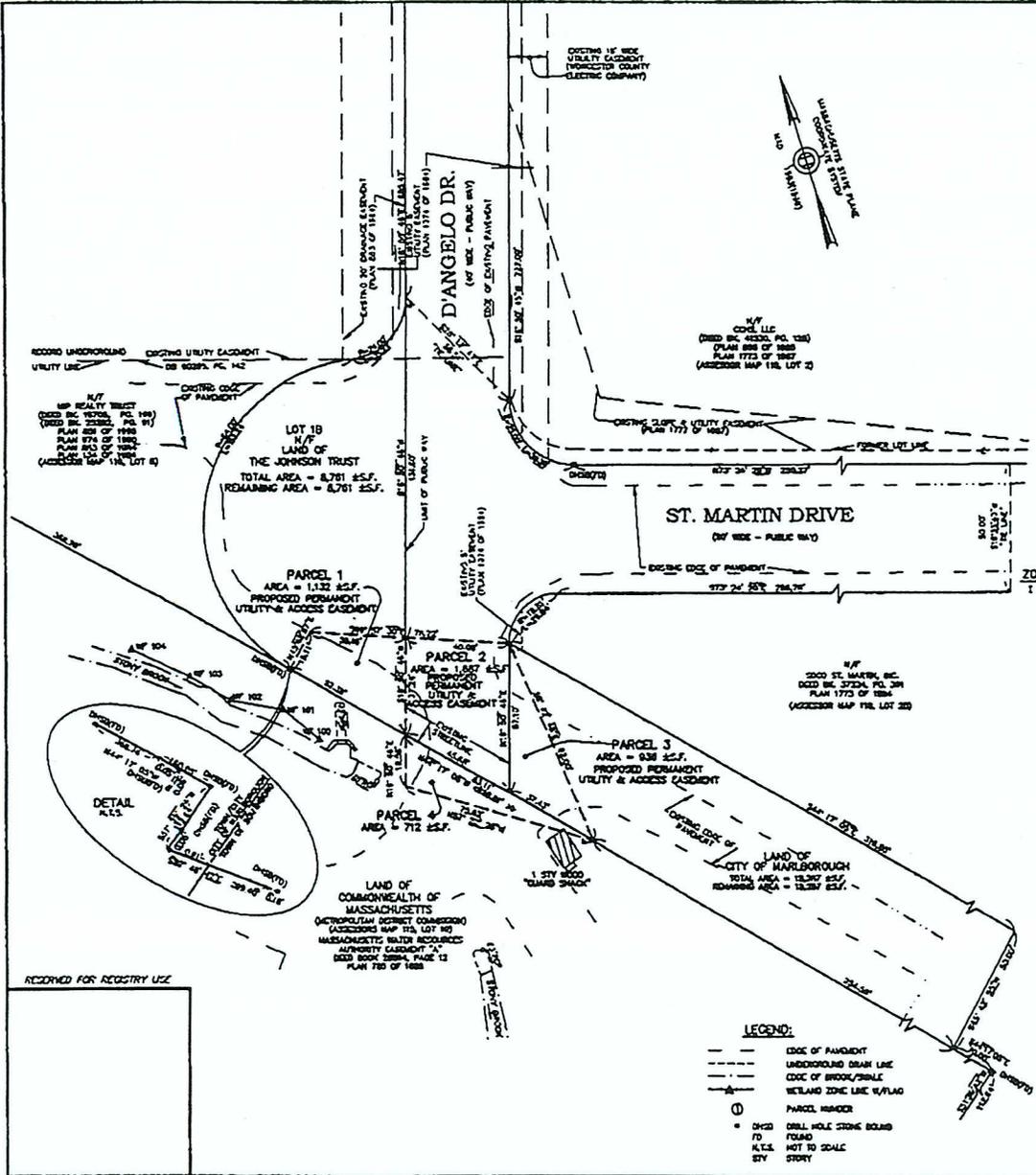
On this \_\_\_\_ day of \_\_\_\_\_, 2015, before me, the undersigned notary public, personally appeared Arthur G. Vigeant proved to me through satisfactory evidence of identification which was personal knowledge, to be the person whose name is signed on the preceding document and acknowledged to me that 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



**REFERENCES:**  
MAP 176, LOT 18 LAND OF W/F REALTY TRUST  
DEED BOOK 12324, PG. 179  
DEED BOOK 33881, PG. 91  
PLAN 824 OF 1984  
PLAN 825 OF 1984  
PLAN 134 OF 1984  
MAP 176, LOT 2 LAND OF C&M, LLC  
DEED BOOK 42430, PG. 136  
PLAN 888 OF 2000  
PLAN 1773 OF 1987  
MAP 176, LOT 2A LAND OF 24 ST. MARTIN DRIVE LLC  
DEED BOOK 37264, PG. 289  
PLAN 1773 OF 1987  
MAP 176, LOT 2B LAND OF 24 ST. MARTIN DRIVE LLC  
DEED BOOK 37264, PG. 289  
PLAN 1773 OF 1987  
MAP 176, LOT 3 LAND OF CITY OF MARLBOROUGH  
DEED BOOK 19271, PG. 173  
PLAN 443 OF 1980  
MAP 176, LOT 10 LAND OF COMMONWEALTH OF MASSACHUSETTS (M&C)  
MIDDLESEX SOUTH RECEIPT  
DEED BOOK 4058, PAGE 288  
DEED BOOK 3474, PAGE 381  
DEED BOOK 3874, PAGE 388  
DEED BOOK 3272, PAGE 348  
DEED BOOK 3284, PAGE 18  
PLAN 81263, PLAN 81  
Worcester Academy of Record  
DEED BOOK 3875, PAGE 6  
DEED BOOK 3842, PAGE 123  
DEED BOOK 1822, PAGE 22  
DEED BOOK 1827, PAGE 33  
LAND NOW OR FORMERLY OF THE JOHNSON TRUST (LOT 18)  
PORTION OF D'ANGELO DRIVE  
DEED BOOK 11833, PG. 288  
PLAN 1874 OF 1984

**NOTES:**  
1. PARCEL 1, NOW OR FORMERLY LAND OF THE JOHNSON TRUST IS TO BECOME A PERMANENT UTILITY AND PERMANENT ACCESS EASEMENT BENEFITING THE MASSACHUSETTS WATER RESOURCES AUTHORITY.  
2. PARCEL 2, LAND OF THE CITY OF MARLBOROUGH, BEING A PORTION OF D'ANGELO DRIVE IS TO BECOME A PERMANENT UTILITY AND PERMANENT ACCESS EASEMENT BENEFITING THE MASSACHUSETTS WATER RESOURCES AUTHORITY.  
3. PARCEL 3, LAND OF THE CITY OF MARLBOROUGH IS TO BECOME A PERMANENT UTILITY AND PERMANENT ACCESS EASEMENT BENEFITING THE MASSACHUSETTS WATER RESOURCES AUTHORITY.  
4. WETLANDS SHOWN ON NALMA, LAND (MAP 130, LOT 10) ARE LOCATED ON THE GROUND AS SHOWN AND WERE Delineated BY CAMP DECOR & WARD (C&W) ON OR BEFORE APRIL, 1988.  
5. A TITLE REPORT PREPARED BY SHAWN P. MAGALA, DATED OCTOBER 2, 2013 WAS PROVIDED WITH REGARD TO A PORTION OF D'ANGELO DRIVE SHOWN HEREON AS LAND NOW OR FORMERLY OF THE JOHNSON TRUST (LOT 18). SEE DEED BOOK 11833, PAGE 287 FOR DECLARATION OF SAID TRUST DATED MARCH 1988 (TERMINATING AFTER 30 YEARS). SAID REPORT STATED THAT NO RECORDS OF INTEREST TO THE CITY OF MARLBOROUGH FOR LOT 18 AS SHOWN ON PLAN 1074 OF 1984 WERE FOUND.

I CERTIFY TO THE BEST OF MY PROFESSIONAL KNOWLEDGE AND BELIEF THAT THE PROPERTY LINES SHOWN ON THIS PLAN ARE THE TRUE EXISTING DISTINGUISHMENTS AND THE LINES OF THE STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED AND THAT NO NEW LINES FOR BOUNDARIES OF DISTINGUISHMENTS OR FOR NEW WAYS ARE SHOWN.

I FURTHER CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMITY WITH THE RULES AND REGULATIONS OF THE RECORDERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

DRAWN: CHANG WANGJIA, PLS  
FOR: BRYANT ASSOCIATES, INC.

**EASEMENT  
PLAN OF LAND  
OF  
MARLBOROUGH, MASSACHUSETTS**

PREPARED FOR  
**MASSACHUSETTS WATER  
RESOURCES AUTHORITY**  
MARCH 24, 2014

BY  
**BRYANT ASSOCIATES, INC.**  
60 CARRALL STREET, SUITE 301, BOSTON, MA 02114  
TEL: 617-554-8874, FAX: 617-554-9117  
WWW.BRYANTASSOCIATES.COM

0 10 20 40 80  
1" = 20 FT.

SURVEY DATED 10-13-2013  
DRAWN BY: KYE  
JOB NO. 712984  
CHECKED BY: CAV  
APPROVED BY: CAV