



CITY OF NEW BEDFORD

JONATHAN F. MITCHELL, MAYOR

June 13, 2016

Linda Morad, President
New Bedford City Council
City of New Bedford
133 William Street
New Bedford, MA 02740

RE: Alteration and Improvement of Coggeshall Street

Dear Council President Morad and Members of the City Council:

On behalf of the Department of Public Infrastructure, I respectfully request that the City of New Bedford acquire three permanent easements, by eminent domain, across City owned property located on the south side of Coggeshall Street.

The purpose of this project is to alter and improve Coggeshall Street and the proposed improvements will include roadway widening to provide exclusive turn lanes at the signalized intersections, upgraded traffic signal installations, reconstructed sidewalks and reconstructed pavement from the intersection with Purchase Street easterly to the intersection with Mitchell Street.

The project is being funded with federal funds through the Mass DOT Transportation Improvement Program.

The proposed easements are shown as Permanent Easements E-001, E-002 and E-003 on a plan entitled "PERMANENT EASEMENT PLAN OF LAND COGGESHALL STREET NEW BEDFORD, MA. BRISTOL COUNTY" prepared for the City of New Bedford by SMC Surveying and Mapping Consultants, dated May 27, 2016, with a scale of 1"=20'. The easements include a twenty-one (21) foot strip, running along the frontage of the parcels shown on City of New Bedford Assessor's Map 85, Lots 2 and 298 and a corner radius on the parcel shown as City of New Bedford Assessor's Map 86, Lot 12.

Despite the fact that the City already owns the subject properties, the Commonwealth has advised the City that it is a federal requirement that the City take permanent easements, in the affected properties, from itself. The Commonwealth has further advised the City that it is delaying the bidding of this project to enable the City to obtain the City's approval of an Order of Taking for

the subject easements and that the subject easements must be acquired by the City prior to the end of the fiscal year.

Since the City is, and will continue to be, the owner of the subject property, enclosed for your consideration, please find a proposed Order that waives the appraisal requirement set forth in M.G.L. c. 79, § 7A and further waives any damages that may be awarded.

Also enclosed for your review and consideration, please find an Order of Taking for Recorded Land and an Order of taking for Registered Land, each of which include an award of \$0.00 damages.

It is respectfully requested that the City Council waive City Council Rule 40 for any votes taken in this matter.

Representatives of the Department of Public Infrastructure will be in attendance at the June 23, 2016 City Council meeting.

Thank you for your consideration in this matter.

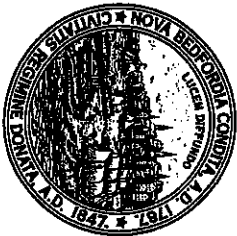
Sincerely yours,



Jonathan I. Mitchell
Mayor

JFM/jmf

cc: Ronald H. Labelle, D.P.I. Commissioner
Mikaela A. McDermott, City Solicitor



CITY OF NEW BEDFORD

CITY COUNCIL

June 23, 2016

ORDERED that, pursuant to M.G.L. c. 79, § 7A, the City of New Bedford hereby waives its right to any damages the City may be entitled to with respect to easements, to be acquired by the City of New Bedford, for the purpose of altering and improving Coggeshall Street and for all other uses incidental to said municipal purposes. The proposed easements are shown as Permanent Easement E-001 and Permanent Easement E-002 on a plan entitled "Massachusetts Department of Transportation Highway Division Plan and Profile of Coggeshall Street Improvements in the City of New Bedford, Bristol County, Federal Aid Project No.," prepared by CDM Smith, dated May 2016, to be recorded herewith at the Bristol County Registry of Deeds – Southern District – New Bedford".

CITY OF NEW BEDFORD

IN CITY COUNCIL

June 23, 2016

RECORDED LAND

WHEREAS, the common necessity and convenience of the inhabitants of the City of New Bedford require the taking of land hereinafter described for the purpose of altering and improving Coggeshall Street and for all other uses incidental to said municipal purpose; and

WHEREAS, the Department of Public Infrastructure of the City of New Bedford has requested that said land be taken for said purposes; and

WHEREAS, appraisals of said land were not necessary for this taking since all owners and parties of interest have waived in writing their right to damages in accordance with Massachusetts General Laws Chapter 79, Section 7A; and

WHEREAS, an appropriation is not necessary for this taking since all owners and parties of interest have waived in writing their right to damages in accordance with Massachusetts General Laws Chapter 79, Section 7A;

NOW, THEREFORE, IT IS HEREBY ORDERED, that the City of New Bedford, acting by and through the City Council, and under applicable provisions of Massachusetts General Laws, Chapter 79, and under any and every other power to it granted or implied, hereby takes for itself, by eminent domain, a permanent easements, located in New Bedford as hereinafter described, for the purpose of altering and improving Coggeshall Street and for all other uses incidental to said municipal purposes:

E-001:

The permanent easement is shown as Permanent Easement E-001 on a plan entitled "PERMANENT EASEMENT PLAN OF LAND COGGESHALL STREET NEW BEDFORD, MA. BRISTOL COUNTY" prepared for the City of New Bedford by SMC Surveying and Mapping Consultants, dated May 27, 2016, with a scale of 1"=20', to be recorded herewith at the Bristol County Registry of Deeds – Southern District – New Bedford, said Permanent Easement being more particularly bounded and described as follows:

Beginning at a point on the southerly sideline of the City Layout (No.3573) of Coggeshall

Street, which point lies as shown on the plan 256.75 feet from its intersection with the easterly line of Ashley Boulevard, thence;

S 02° 05' 04" E 21.01 feet to a point, thence

N 89° 59' 04" W 254.26 feet to a point, thence;

N 08° 51' 01" W 21.14 feet to a point, thence

N 83° 05' 20" E 0.90 feet to a point, thence

S 89° 59' 04" E 255.85 feet to the point of beginning, said easement contains an area of 5,366 square feet, more or less.

For title see deed on record with the Bristol County S.D. Registry of Deeds at Book 197, Page 109.

Permanent Easement E-003: An easement over a parcel of land being shown as E-003 on a plan entitled "PERMANENT EASEMENT PLAN OF LAND COGGESHALL STREET NEW BEDFORD, MA. BRISTOL COUNTY" prepared for the City of New Bedford by SMC Surveying and Mapping Consultants, dated May 27, 2016, with a scale of 1"=20', recorded herewith (the "Plan"), said easement being more particularly bounded and described as follows:

Beginning at a point on the southerly sideline of the 1963 City Alteration (No.6601A) of Coggeshall Street, which point lays S 88° 20' 01" W, a distance of 243.20 feet from a stone bound on the southerly side of Coggeshall Street, thence

S 88° 20' 01" W 16.19 feet to a point, thence

By a curve turning to the left having, a radius of 30.00 feet and length of 49.41 feet to a point, thence

S 06° 02' 29" E 16.19 feet to a point, thence;

Northerly by a curve turning to the right, having a radius of 45.00 feet and a length of 44.61 feet to a point, thence;

S 39° 13' 21" E 5.00 feet to a point, thence

Northeasterly by a curve turning to the right, having a radius of 40.00 feet and a length of 10.00 feet to a point, thence

N 24° 53' 55" W 5.00 feet to a point, thence

Northeasterly by a curve turning to the right having a radius of 45.00 feet and a length of 18.26 feet to the point of beginning, said easement contains an area of 341 square feet, more or less.

For title see deed on record with the Bristol County S.D. Registry of Deeds at Book 1585, Page 490.

133 William Street
New Bedford, MA 02740

E-003	86-12	City of New Bedford 133 William Street New Bedford, MA 02740	NONE
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IT IS FURTHER EXPRESSED AND STIPULATED that the order of taking and the awarding damages herein contained does not relieve the owners of land taken from liability for taxes now uncollected for the Fiscal Year 2016 and any prior year, if the same remain unpaid as of the date of this order.

AND BE IT FURTHER ORDERED, that the City Clerk cause a copy of this order of taking herein made, certified by her, to be recorded on behalf of the City of New Bedford in the Registry of Deeds for the Southern District of Bristol County, and to give such other notices as are required by General Laws.

CITY OF NEW BEDFORD

IN CITY COUNCIL

June 23, 2016

REGISTERED LAND

WHEREAS, the common necessity and convenience of the inhabitants of the City of New Bedford require the taking of land hereinafter described for the purpose of altering and improving Coggeshall Street and for all other uses incidental to said municipal purpose; and

WHEREAS, the Department of Public Infrastructure of the City of New Bedford has requested that said land be taken for said purposes; and

WHEREAS, appraisals of said land were not necessary for this taking since all owners and parties of interest have waived in writing their right to damages in accordance with Massachusetts General Laws Chapter 79, Section 7A; and

WHEREAS, an appropriation is not necessary for this taking since all owners and parties of interest have waived in writing their right to damages in accordance with Massachusetts General Laws Chapter 79, Section 7A;

NOW, THEREFORE, IT IS HEREBY ORDERED, that the City of New Bedford, acting by and through the City Council, and under applicable provisions of Massachusetts General Laws, Chapter 79, and under any and every other power to it granted or implied, hereby takes for itself, by eminent domain, a permanent easements, located in New Bedford as hereinafter described, for the purpose of altering and improving Coggeshall Street and for all other uses incidental to said municipal purposes:

E-002:

The permanent easement is shown as Permanent Easement E-002 on a plan entitled "PERMANENT EASEMENT PLAN OF LAND COGGESHALL STREET NEW BEDFORD, MA. BRISTOL COUNTY" prepared for the City of New Bedford by SMC Surveying and Mapping Consultants, dated May 27, 2016, with a scale of 1"=20', to be recorded herewith at the Bristol County Registry of Deeds – Southern District – New Bedford, said Permanent Easement being more particularly bounded and described as follows:

Beginning at a point on the southerly sideline of the City Layout (No.3573) of Coggeshall Street, at the northeasterly corner of easement E-001, thence

S 89° 59' 04" E 110.08 feet to a point, thence
S 32° 27' 10" E 24.89 feet to a point, thence
N 89° 59' 04" W 122.68 feet to a point, thence
N 02° 05' 04" W 21.01 feet to the point of beginning, said easement contains an area of
2444 square feet, more or less.

For title see Certificate of Title #7083 on record with the Bristol County S.D. Registry of
Deeds Land Court Department.

No trees on the land taken and no structures affixed thereto are included in the
taking, and the owners of the property are allowed (30) days from and after recording of
this instrument in the Registry of Deeds by the City in which to remove and take away from
the land any trees or structures. Notwithstanding anything to the contrary contained herein,
the owners of the property shall not be required to take away from the land any such trees or
structures.

IT IS FURTHERED ORDERED, in accordance with the provisions of said Chapter
79, that the following amounts are awarded as compensation for damages sustained by the
owner or owners of the property and all other persons, including all mortgagees of record,
having any and all interest in the property taken and entitled to any damages by reason of
the taking hereby made:

<u>EASEMENT</u> OR <u>PARCEL #</u>	<u>NEW BEDFORD</u> <u>ASSESSOR'S</u> <u>PLAT & LOT #</u>	<u>NAME OF SUPPOSED OWNER</u>	<u>AWARD OF</u> <u>DAMAGES</u>
E-002	85-298	City of New Bedford 133 William Street New Bedford, MA 02740	NONE

IT IS FURTHER ORDERED, that in addition to the above amount, there is also
awarded as damages the following sum estimated to be equal to that portion of the taxes
assessed upon the property herein taken for Fiscal Year 2016 in accordance with the
provisions of Massachusetts General Laws, Chapter 79, Section 12, which amount, together
with the damages awarded in the proceeding paragraph, shall constitute full compensation
for the taking herein ordered.

TAXES FOR FISCAL YEAR 2016

EASEMENT OR PARCEL #	NEW BEDFORD ASSESSOR'S PLAT & LOT #	NAME OF SUPPOSED OWNER	TAX AWARD
E-002	85-298	City of New Bedford 133 William Street New Bedford, MA 02740	NONE

IT IS FURTHER EXPRESSED AND STIPULATED that the order of taking and the awarding damages herein contained does not relieve the owners of land taken from liability for taxes now uncollected for the Fiscal Year 2016 and any prior year, if the same remain unpaid as of the date of this order.

AND BE IT FURTHER ORDERED, that the City Clerk cause a copy of this order of taking herein made, certified by her, to be recorded on behalf of the City of New Bedford in the Registry of Deeds for the Southern District of Bristol County, and to give such other notices as are required by General Laws.

