



CITY OF NEW BEDFORD

JONATHAN F. MITCHELL, MAYOR

May 8, 2019

City Council President Linda M. Morad and
Honorable Members of the City Council
133 William Street
New Bedford, MA 02740

RE: Kings Highway Improvements Project – Airport Property

Dear Council President Morad and Members of the City Council:

At the request of the Massachusetts Department of Transportation, I respectfully request that the City Council adopt the attached Order, pursuant to M.G.L. c. 79, § 7A, waiving the appraisal requirement and the right to any damages the City may be entitled to with respect to five permanent easements and two temporary easements, to be acquired by the Massachusetts Department of Transportation, for the purpose of altering and improving King's Highway and for all other uses incidental to said municipal purposes and further authorizing the Mayor to execute, on behalf of the City of New Bedford, the MassDOT land damage agreement and right of entry form (copies attached).

The proposed easements are located on City property, under the control of the New Bedford Regional Airport. On February 20, 2019, the New Bedford Regional Airport Commission voted to waive the appraisal requirement and the right to any damages (see attached vote). The proposed easements are shown as Permanent Easements 19-E-1, 19-E-1-C, 19-HS-1, 19-HS-2, 19-HS-3-C and Temporary Easements 19-TE-6 and 19-TE-8, on the attached plan entitled "MASSACHUSETTS DEPARTMENT OF TRANSPORTATION PLAN OF ROAD IN THE CITY OF NEW BEDFORD BRISTOL COUNTY ALTERED AND LAID OUT AS A STATE HIGHWAY BY THE MASSACHUSETTS DEPARTMENT OF TRANSPORTATION HIGHWAY DIVISION SCALE: 20 FEET TO THE INCH", prepared for the Massachusetts Department of Transportation by Surveying and Mapping Consultants 325 Wood Road, Suite 109, Braintree, MA 02184.

The Kings Highway Improvements Project is a MassDOT project scheduled for advertising in August of 2019 using State and Federal funding. The project limits are from the Route 140 overpass to Oliver Street. The project includes roadway widening necessary to accommodate turn lanes and improve traffic flow through the highly congested corridor. The project also includes new traffic signals, drainage system improvements, new sidewalks and other amenities within the project limits. In addition, the project requires the close coordination with the South Coast Rail project which includes a grade crossing and station within the project limits. The widening impacts 19 abutters resulting in permanent easements and State Highway Layout alterations. Other easements

along the corridor include permanent utility easements for overhead utility relocations, highway sign easements and temporary easements for construction purposes. The current estimated construction cost for the project is approximately \$10 million.

A representative of the Department of Public Infrastructure will be available to answer questions at the May 9, 2019 City Council meeting.

Sincerely,



Jonathan F. Mitchell
Mayor

cc: Jamie Ponte, Commissioner of Public Infrastructure
Jane Medeiros Friedman, First Assistant City Solicitor



CITY OF NEW BEDFORD

CITY COUNCIL

May 23, 2019

ORDERED that, pursuant to M.G.L. c. 79, § 7A, the City of New Bedford hereby waives the appraisal requirement and the right to any damages the City may be entitled to with respect to five permanent easements and two temporary easements, to be acquired by the Massachusetts Department of Transportation, for the purpose of altering and improving King's Highway and for all other uses incidental to said municipal purposes and further authorizes the Mayor to execute, on behalf of the City of New Bedford, the attached MassDOT Land Damage Agreement and Right of Entry form (copies attached). The proposed easements are located on City property, under the control of the New Bedford Regional Airport. On February 20, 2019, the New Bedford Regional Airport Commission voted to waive the appraisal requirement and the right to any damages (see attached vote). The proposed easements are shown as Permanent Easements 19-E-1, 19-E-1-C, 19-HS-1, 19-HS-2, 19-HS-3-C and Temporary Easements 19-TE-6 and 19-TE-8, on the attached plan entitled "MASSACHUSETTS DEPARTMENT OF TRANSPORTATION PLAN OF ROAD IN THE CITY OF NEW BEDFORD BRISTOL COUNTY ALTERED AND LAID OUT AS A STATE HIGHWAY BY THE MASSACHUSETTS DEPARTMENT OF TRANSPORTATION HIGHWAY DIVISION SCALE: 20 FEET TO THE INCH", prepared for the Massachusetts Department of Transportation by Surveying and Mapping Consultants 325 Wood Road, Suite 109, Braintree, MA 02184.



Charles D. Baker, Governor
Karyn E. Polito, Lieutenant Governor
Stephanie Pollack, Secretary & CEO
Jonathan L. Gulliver, Highway Administrator



January 21, 2019

City of New Bedford Airport Commission
1569 Airport Road
New Bedford, MA 02746
Scott Servis Director

Project # 606709
New Bedford
Kings Highway Improvements

Property Address: S S Tarkin Hill Road

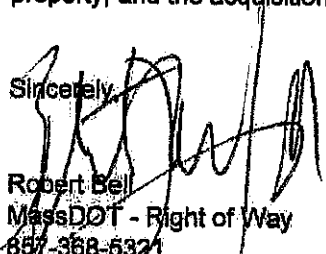
As you may be aware, the Massachusetts Department of Transportation (MassDOT) has a roadway improvement project proposed that is adjacent to real estate owned by you. Please accept this letter as notice that your property will be affected by this project. The current proposed impacts are:

Parcel #	Land Area	Interest to be acquired
19-E-1	3844	Permanent Easement
19-E-1-C	7968	Permanent Easement
19-HS-1	16	Permanent Easement
19-HS-2	16	Permanent Easement
19-HS-3-C	24	Permanent Easement
19-TE-6	2,313	Temporay Easement
19-TE-8	6,810	Temporay Easement

To help you become familiar with the acquisition process, I have enclosed a pamphlet entitled "Right of Way Acquisition and your Property."

Please contact me to schedule a convenient time for us to discuss the project, its impact to your property, and the acquisition process.

Sincerely,


Robert Bell
MassDOT - Right of Way
657-368-5321
Robert.bell@dot.state.ma.us

Enclosure: Acquisition Guide

RECEIVED
JAN 24 2019
NEW BEDFORD
REGIONAL AIRPORT



Right of Entry

City/
Town: New Bedford Project: Kings Highway Improvements Project # 606709
Owner: City of New Bedford Airport Commission
Address: 1569 Airport Road City/Town,
State, Zip New Bedford, MA 02746
From Station: 115+10 LT To Station: 119+95 LT
Parcel No(s): 19-TE-6, 19-TE-8

Permission is hereby given to the Massachusetts Department of Transportation-Highway Division, or its duly authorized agents, to enter upon my property in the city or town of New Bedford in connection with the construction of a state highway as shown on plans in the office of said Department at 10 Park Plaza, Boston, Massachusetts for the purpose of making changes and carrying out the work on my property as outlined below: 19-TE-6 = 2,313 Square Feet
19-TE-8 = 6,810 Square Feet

This entry is to be made without prejudice to my rights in settlement of any claims for damage that may hereafter appear.

Granted by:

Recommended by:

Signature of Owner

Deputy Director, Right of Way Bureau

Date: _____

Date: _____



Land Damage Agreement

Standard Form

City/Town: New Bedford Project: Kings Highway Improvements Project #: 606709
Owner: City of New Bedford Airport Commission
Mailing Address: 1569 Airport Road City/Town, State, Zip New Bedford, MA 02746
County: Bristol Layout#/Order: 8670
Parcel No(s): 19-E-1, 19-E-1-C, 19-HS-1, 19-HS-2, 19-HS-3-C FAP# (ROW): NFA

This agreement is entered into for full settlement of any and all claims for damage incurred or to be incurred by the Massachusetts Department of Transportation-Highway Division as a result of a taking by eminent domain, construction, and/or alteration relating to the subject property by the Massachusetts Department of Transportation-Highway Division. The land and/or rights in land taken and limitations of access, if any, are described in an order of taking (together with any related plans) adopted by the Massachusetts Department of Transportation-Highway Division, and on file at the office of said Department and to be recorded at the Registry of Deeds in the above referenced county.

The owner agrees to accept the sum of \$ Zero in full settlement of any and all claims whatsoever to the taken or remaining property of the owner, whether caused by the taking of land and/or rights in land, limitations of access, changes in grade or drainage and/or alteration relating to the subject property; and hereby releases the Massachusetts Department of Transportation-Highway Division, from any and all claims, due to said taking, construction and/or alteration relating to the subject property.

Additions to this agreement are as follows (if none, write "None")

It is understood and agreed that this agreement shall become binding only when signed by the owner(s) and formally approved by the Massachusetts Department of Transportation-Highway Division Administrator. It is also understood and agreed that the owners are entitled to damages for the rights being acquired, but have agreed to accept no award of damages. The owner(s) agree(s) to indemnify and hold harmless the Massachusetts Department of Transportation-Highway Division with respect to any claims brought by any person or entity that may have an interest in the property, including but not limited to, any mortgagee, tenant(s)/subtenant(s) as a result of the taking(s) covered by this Agreement.

Signature(s) of Owner(s):

Date:

Approved by:

Deputy Director,
Right of Way Bureau



Right of Way Acquisition and Your Property

A Guide for Property Owners



Prepared by the Massachusetts Right of Way Bureau

Massachusetts' transportation system is dependent on an extensive network of highways, bridges, and streets. As our cities and towns grow, it becomes necessary to make changes and improvements to our transportation system.

The Massachusetts Department of Transportation (MassDOT) is responsible for providing roads, highways and bridges that are safe for travel by vehicle, on foot, or by bicycle.

To serve this broad public interest, it is sometimes necessary to acquire land from private property owners. This brochure will provide you with basic information about the process of acquiring land and rights therein for public transportation projects. Hopefully, it will also provide the basis for understanding our process.

What are the definitions of some terms used in the process?

Eminent Domain

Eminent domain is the right of the Commonwealth to take private property for public use, including transportation purposes.

Right of Way

A right-of-way is publicly-owned area reserved for transportation purposes. Adjacent land from private owners may be required to construct, or reconstruct, highways or bridges within the right-of-way.

Easements

An easement is the right of MassDOT to use all or part of a property for a specific transportation purpose. Easements can be permanent or temporary (limited to a stated period of time).

Examples are a permanent easement for drainage and a temporary easement for the reconstruction of sidewalks and driveways. Title to the property remains in the name of the property owner.

Fee Taking

A fee taking means that MassDOT becomes the owner of the property acquired. The title to the acquired property transfers to MassDOT on the date of the recording of the Order of Taking at the Registry of Deeds.

Just Compensation

The compensation provided for property taken by eminent domain.

How are my property rights protected?

To provide uniform and equitable treatment for those whose property is acquired, and for persons displaced by such acquisitions, we are bound by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (amended in 1987), and Massachusetts General Laws, primarily Chapter 79. These serve as the foundation for the information discussed in this brochure.

MassDOT respects these fundamental property rights and is committed to treating all property owners with fairness and respect.

How can I comment on a proposed project?

Before altering an existing state highway, or laying out a new one, MassDOT will hold a public hearing.

At the public hearing, representatives of MassDOT will provide you with information about the proposed project. As part of the public hearing process you will have a chance to enter your comments and recommendations into the record.

All comments will be carefully considered before the project is finalized.

Who will contact me about the project?

If your property, or a portion of it, needs to be acquired, you will be contacted by a representative of the MassDOT Right-of-Way (ROW) Bureau to arrange a meeting. At the meeting, our representative will provide you with a right-of-way plan showing the impacts to your property and offer an overview of the project. They will also explain the acquisition process, review information relative to the property, and document any concerns you may have.

How will my property be valued?

The value will be determined by a qualified appraiser. The objective of the appraisal is to determine the estimate of Just Compensation.

The appraiser will contact you and will welcome any information you can provide regarding your property. You will be invited to accompany the appraiser on an inspection of the property. The purpose of the inspection is to determine and document the overall condition and physical features of the property, and to verify information about the property obtained from other sources.

How is the amount of the payment (Award of Damages) determined?

The Award of Damages is comprised of the appraised value and interest from the date the property is acquired to the date on which you are paid. In the event that there is a fee taking, a share of the real estate tax for the current year is also included.

How will I know how much I will be paid?

Approximately 4 to 6 weeks prior to approval by the Highway Administrator, you will receive a letter indicating our offer of Just Compensation. After you have received the letter, you will be contacted by a representative of the MassDOT Right of Way (ROW) Bureau to address any questions or concerns you may have regarding our offer.

What if I am not satisfied with the Award of Damages?

The Award of Damages is made without prejudice. This allows you to receive the Award of Damages while still maintaining your right to dispute the amount. This right is reserved for a period of three years from the date of the recording of the Order of Taking. MassDOT provides for dispute resolution through the administrative settlement process. You can initiate this by providing documentation and information relative to the value of your property, including but not limited to, an appraisal for our review. If resolution cannot be reached through the administrative settlement process, you can still bring a claim in court for additional monies at any time during the three year period.

How can I expedite payment?

Payment cannot be made without receipt of a completed W-9. MassDOT will provide you with a W-9 form (Request for Taxpayer Identification Number). The W-9 form must be completed by the owner or owners whose name(s) appear on the title deed as recorded at the Registry of Deeds.

When will I be paid?

If you have clear title to your property, payment will be issued within 60 days of the recording of the Order of Taking at the Registry of Deeds. The parties in interest to be named on payment checks are as follows:

- For acquisitions of permanent or temporary rights where the award of damages is less than \$10,000.00:

MassDOT may make payment directly to the property owner, absent deed deficiencies such as tax liens, or other encumbrances.

- For acquisitions of permanent or temporary rights where the award of damages is greater than \$10,000.00:

MassDOT may list all parties in interest on the check, unless discharges or releases are provided.

When will my property be acquired?

A Notice of Taking will be sent to you once the recording is made. The Notice of Taking explains what property was acquired, when it was acquired and how much you will be paid. A copy of a plan showing the property acquired will be enclosed.

What if the acquisition requires me to relocate?

If the acquisition of your property involves relocation, a MassDOT ROW representative specializing in relocation will meet with you to discuss the available benefits and procedures.

At Your Service

From your first notice to your final payment, you will be kept informed of all developments concerning the acquisition of your property. We are sincerely interested in offering assistance and understanding.

If you have additional questions, please contact:

Robert Bell

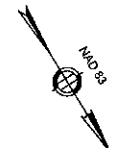
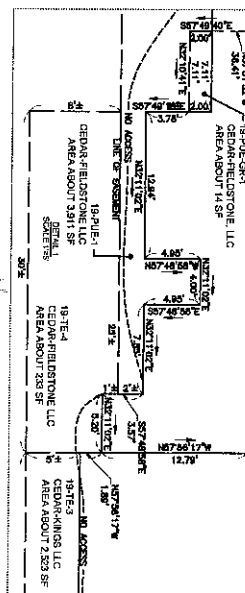
857-368-5321

Robert.Bell@dot.state.ma.us

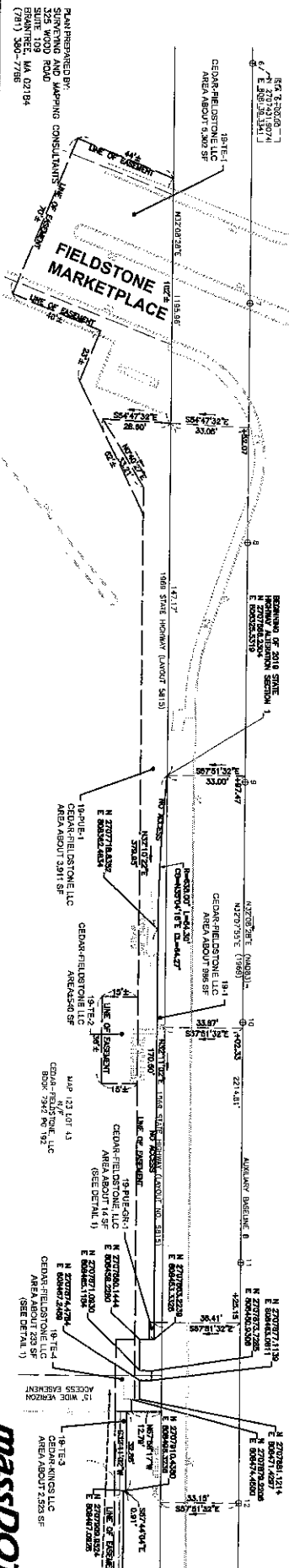
For more information regarding the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, you may visit: www.fhwa.dot.gov/real_estate/publications/act.cfm

For more information regarding Massachusetts General Laws, visit: [malegislature.gov/Laws/GeneralLaws/PartI/Title XIII/Chapter 79](http://malegislature.gov/Laws/GeneralLaws/PartI/TitleXIII/Chapter79)

The Right of Way website can be found through: www.massdot.state.ma.us/highway/Departments.aspx



NEW BEDFORD-2019 ALTERATION-SHEET 1 OF 4 SHEETS
 PROJECT FILE NO. 60670
 LAYOUT NO. 8670
 LIMITED ACCESS



PLAN PREPARED BY:
 SUPERVISING AND MAPPING CONSULTANTS
 325 WOOD ROAD
 BRUNSWICK, MA 02714
 (781) 380-7788

I CERTIFY THAT THIS PLAN HAS BEEN
 PREPARED IN CONFORMANCE WITH THE RULES AND
 REGULATIONS OF THE REGISTER OF DEEDS OF
 THE COMMONWEALTH OF MASSACHUSETTS.

THIS CERTIFICATE THAT THE LOCATIONS OF THE STATE
 HIGHWAY AND THE LOCATION OF THE ROAD AND
 THAT SAID HIGHWAY AS ALTERED WERE Laid OUT AND
 TAKEN CHARGE OF AS A LIMITED ACCESS STATE HIGHWAY BY
 THE MASSACHUSETTS DEPARTMENT OF TRANSPORTATION,
 IN ACCORDANCE WITH CHAPTER 90C AND CHAPTER 91,
 SECTION 7C OF THE GENERAL LAWS.

MASSACHUSETTS DEPARTMENT OF TRANSPORTATION
 PLAN OF ROAD IN THE CITY OF
NEW BEDFORD
BRISTOL COUNTY
 ALTERED AND LAID OUT AS A STATE HIGHWAY
 BY THE MASSACHUSETTS DEPARTMENT OF
 TRANSPORTATION, HIGHWAY DIVISION

DATE: KENN HANLEY, PLS # 51313

SCALE: 1" = 20'

MASSACHUSETTS DEPARTMENT OF TRANSPORTATION
 HIGHWAY ADMINISTRATION

MASSACHUSETTS DEPARTMENT OF TRANSPORTATION
 DIRECTOR, RIGHT OF WAY BUREAU

MASSACHUSETTS DEPARTMENT OF TRANSPORTATION
 CHIEF ENGINEER LAYOUT NO. 8670

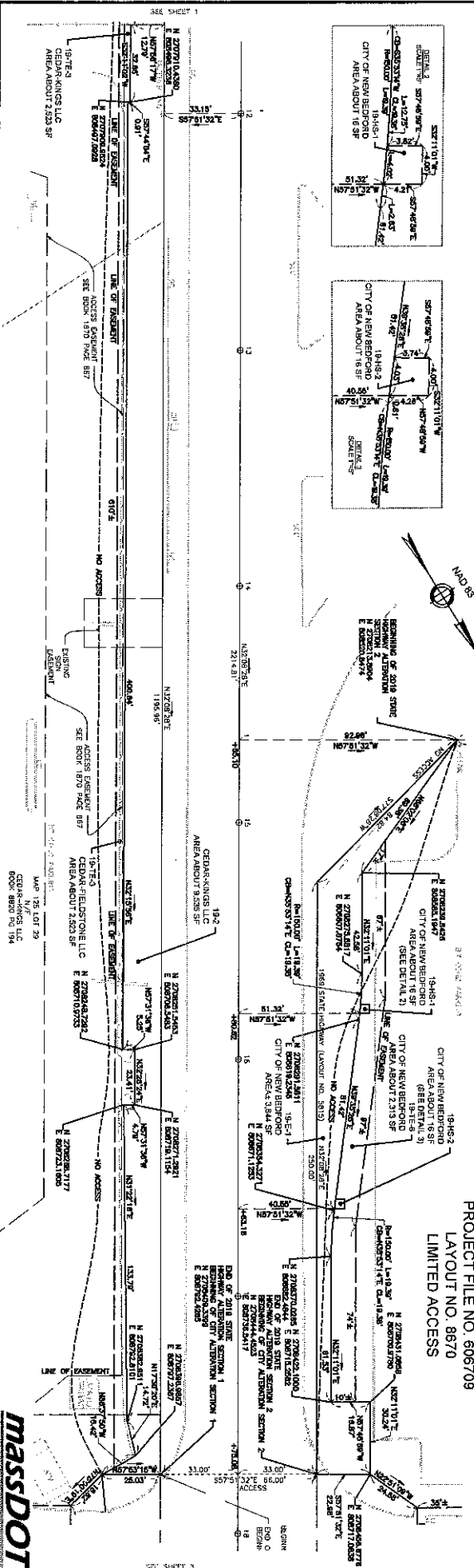


NEW BEDFORD 2019 ALTERATION SHEET 2 OF 4 SHEETS

PROJECT FILE NO. 606709

LAYOUT NO. 8670

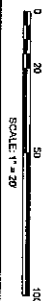
LIMITED ACCESS



I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMANCE WITH THE RULES AND REGULATIONS OF THE REGISTERED PROFESSIONAL ENGINEERS OF THE COMMONWEALTH OF MASSACHUSETTS.

PLAN PREPARED BY:
SURVEYING AND MAPPING CONSULTANTS
225 WASHINGTON STREET
BRANTFORD, MA 02184
(781) 380-7765

DATE: KAMM HALEY, P.E. # 31313



MASSACHUSETTS DEPARTMENT OF TRANSPORTATION
HIGHWAY ADMINISTRATION

MASSACHUSETTS DEPARTMENT OF TRANSPORTATION
DIVISION, RIGHT OF WAY DIVISION

THIS CERTIFIES THAT THE LOCATIONS OF THE STATE HIGHWAY HAVE BEEN ALTERED AS SHOWN ON THIS PLAN AND THAT THE HIGHWAY AS ALTERED WERE Laid OUT AND THE MASSACHUSETTS DEPARTMENT OF TRANSPORTATION, HIGHWAY DIVISION ON CHAPTER 86 AND CHAPTER 81, SECTION 7C OF THE GENERAL LAWS.

MASSACHUSETTS DEPARTMENT OF TRANSPORTATION
PLAN OF ROAD IN THE CITY OF
NEW BEDFORD
BRISTOL COUNTY
ALTERED AND Laid OUT AS A STATE HIGHWAY
BY THE MASSACHUSETTS DEPARTMENT OF
TRANSPORTATION, HIGHWAY DIVISION

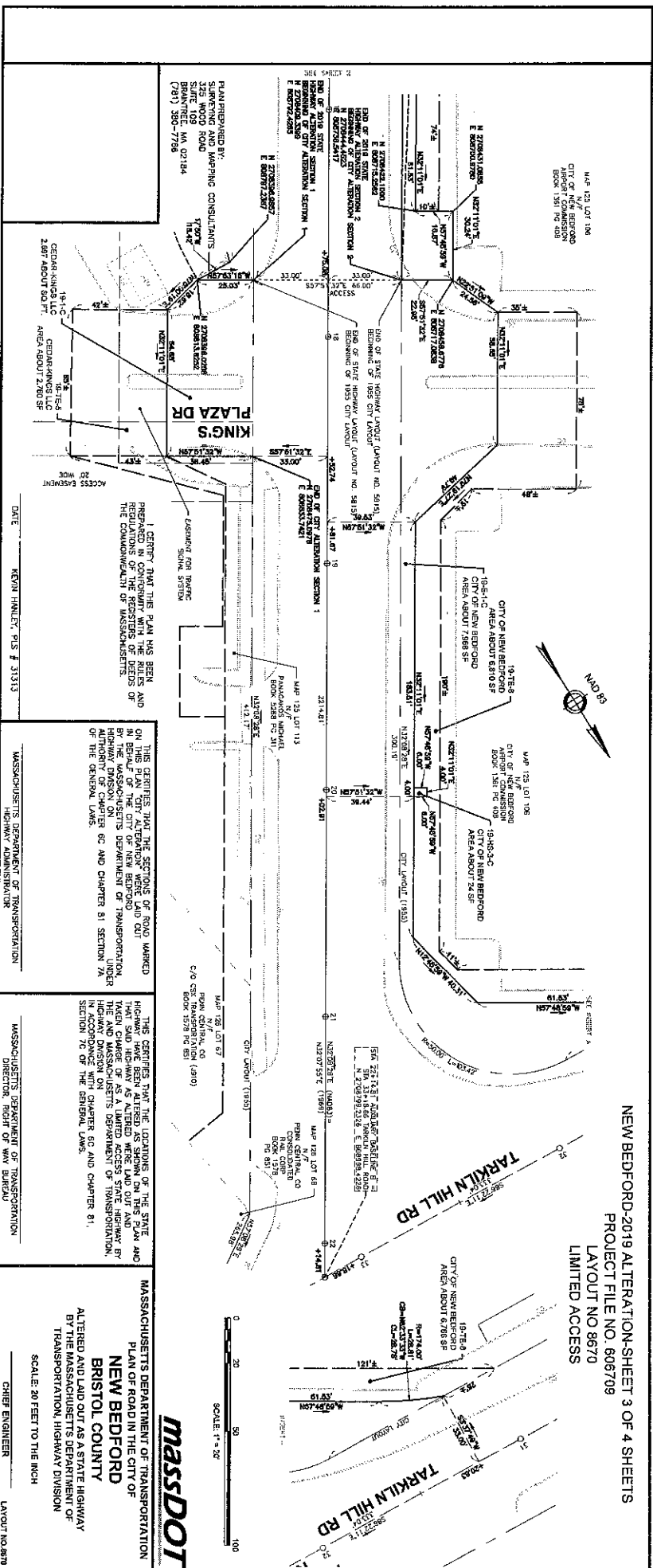
SCALE: 20 FEET TO THE INCH

CHIEF ENGINEER

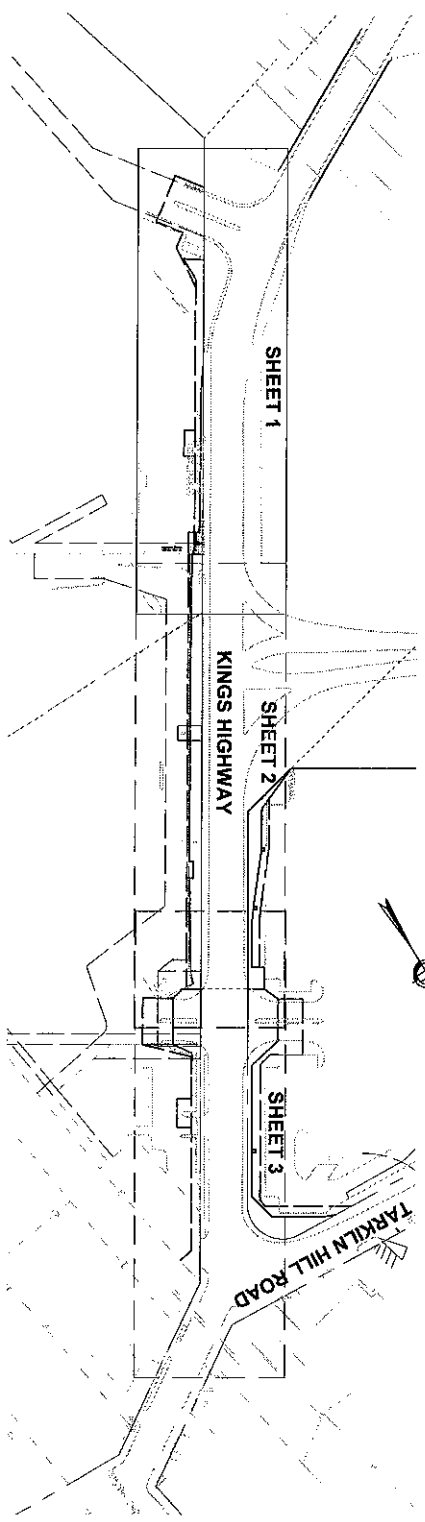
LAYOUT NO. 8670

massDOT

NEW BEDFORD-2019 ALTERATION-SHEET 3 OF 4 SHEETS
PROJECT FILE NO. 608709
LAYOUT NO 8670
LIMITED ACCESS



NEW BEDFORD 2019 ALTERATION-SHEET 4 OF 4 SHEETS
 PROJECT FILE NO. 606709
 LAYOUT NO. 8670
 LIMITED ACCESS



PLAN PREPARED BY:
 SURVEYING AND MAPPING CONSULTANTS
 323 WOOD ROAD
 BRAintree, MA 02184
 (781) 380-7766

I CERTIFY THAT THIS PLAN HAS BEEN
 PREPARED IN CONFORMANCE WITH THE RULES AND
 REGULATIONS OF THE BOARD OF REGISTRY OF
 THE COMMONWEALTH OF MASSACHUSETTS.

DATE: KEVIN HANLEY, PLS. # 31313



THIS CERTIFIES THAT THE SECTIONS OF ROAD MARKED
 ON THIS PLAN BY ALTERATION BEING AND OUT
 ON BEHALF OF THE MASSACHUSETTS DEPARTMENT OF
 HIGHWAY DIVISION ON CHAPTER 62 AND CHAPTER 81 SECTION 7A
 OF THE GENERAL LAWS.

MASSACHUSETTS DEPARTMENT OF TRANSPORTATION
 HIGHWAY ADMINISTRATION

THIS CERTIFIES THAT THE LOCATIONS OF THE STATE
 HIGHWAYS HAVE BEEN ALTERED AS SHOWN ON THIS PLAN AND
 TAKEN CHARGE OF AS A LIMITED ACCESS STATE HIGHWAY BY
 THE MASSACHUSETTS DEPARTMENT OF TRANSPORTATION,
 HIGHWAY DIVISION ON CHAPTER 62 AND CHAPTER 81,
 SECTION 7C OF THE GENERAL LAWS.

MASSACHUSETTS DEPARTMENT OF TRANSPORTATION
 DIRECTOR, BUREAU OF HIGHWAYS



New Bedford Airport Commission Meeting of February 20, 2019

Clerk certificate relative to

Selected vote taken at said meeting

At its 2/20/19 meeting the members of the New Bedford Airport Commission unanimously

VOTED:

to approve the donation of certain rights in real estate along Tarkiln Hill Rd and Kings Highway, including the waiver of compensation and damages and right to appraisal for Kings Highway approval project #606709 and to authorize the execution of MassDOT land damage agreement and right of entry form (copies attached to this vote). This motion as stated was made by Commissioner Olson and 2nd by Commissioner Gushue.

A TRUE COPY ATTEST, Joan Jones, Principal Clerk