



City of New Bedford
IN COMMITTEE

March 25, 2021

The Honorable City Council
133 William Street
New Bedford, MA 02740

Dear Honorable Members of the City Council:

The Committee on Appointments & Briefings at a Meeting held on Tuesday, March 16, 2021, considered a COMMUNICATION, Mayor Mitchell, to City Council submitting AN ORDER that the City waives the appraisal requirement and the right to any damages the City may be entitled to with respect to one permanent easement and one temporary easement to be acquired for the Hathaway Road Triangle Improvement Project and further authorizing the Mayor to execute on behalf of the City of New Bedford a Certificate of Donation Form for easement E-1 and Right of Way Entry – Without Prejudice Form for temporary easement TE-4. (Ref'd 11/14/19)

On motion by Councillor Lopes and seconded by Councillor Gomes, the Committee VOTED: To recommend to the City Council to take “No Further Action” on the COMMUNICATION, Mayor Mitchell, to City Council submitting AN ORDER that the City waives the appraisal requirement and the right to any damages the City may be entitled to with respect to one permanent easement and one temporary easement to be acquired for the Hathaway Road Triangle Improvement Project and further authorizing the Mayor to execute on behalf of the City of New Bedford a Certificate of Donation Form for easement E-1 and Right of Way Entry – Without Prejudice Form for temporary easement TE-4. This motion passed on a Roll Call Vote of Yeas 9, Nays 1, with Councillors Abreu, yes; Baptiste, yes; Carney, yes; Dunn, yes; Giesta, yes; Gomes, yes; Lopes, yes; Markey, yes; Morad, yes and Lima, no.

IN COMMITTEE ON APPOINTMENTS &
BRIEFINGS

Councillor Naomi R.A. Carney, Chairperson

NRAC: dmb



CITY OF NEW BEDFORD

CITY COUNCIL

November 14, 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 one permanent easement and one temporary easement, to be acquired for the Hathaway Road Triangle Improvements Project, and further authorizing the Mayor to execute, on behalf of the City of New Bedford, a Certificate of Donation form for easement E-1 and a Right of Entry – Without Prejudice form for temporary easement TE-4 (copies attached).

The proposed easements, on City owned property, are located on the triangular shaped parcel abutting Hathaway Road, Nauset Street and Mount Pleasant Street, upon which the Franco American Veterans' Memorial is located, shown on City of New Bedford Assessor's Map 101 as Lot 7. The easement areas are shown as Permanent Easement E-1 and Temporary Easement TE-4 on the attached plan entitled "NEW BEDFORD HATHAWAY ROAD TRIANGLE IMPROVEMENTS" Sheets 1 through 3.

CERTIFICATE OF DONATION

Owner(s) of Record: City of New Bedford

City/Town: New Bedford Fed Aid Number: _____

Project: 606718

Parcel Number (ROW Plans) & Square Footage(s): Map 101, Lot 7 & 3,131 S.F.

In Fee: \$0 Permanent Easement(s): E-1

Temporary Easement(s): _____

To: John DeLeire, Director
Right of Way Bureau
MassDOT/ Highway Division
10 Park Plaza - Room 6160
Boston, MA 02116-3973

This is to certify that the above referenced parcel(s) were donated by the owner(s) as provided for in the provisions of Title III, Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.

The conveyance of these parcels will be accomplished by deed or Order of Taking and recorded in the Registry of Deeds.

This donation is made of my/our free will. I/we waive my/our right(s) to an appraisal and compensation. I/we have been given the Federal Aid Acquisition Guide for Property Owners and have reviewed it.

Owner(s)/ Authorized Representative
****All Owners of Records must sign****

Date

Authorized City/Town Official - Title

Date

Note: If the subject parcel(s) is/are owned by a corporation, estate, trust, etc., then an appropriate document, authorizing this donation must be attached to this document.

Note: An executed Affidavit from the municipality must be attached for this document to be valid for ROW Certification.

New Bedford
MASSACHUSETTS

RIGHT OF ENTRY - WITHOUT PREJUDICE

Owner(s) of Record: City of New Bedford

Address: _____

Stations: 90+50 to 92+75

Parcel Number (ROW Plans) & Square Footage(s): Map 101, Lot 7 & 12,503 S.F.

Projects: Hathaway Triangle Improvements; Project File # 606718

Easement: TE-4

Permission is hereby given to the above municipality and the Massachusetts Department of Transportation, Highway Division or its duly authorized agents to enter upon my property in connection with the reconstruction of a roadway on the above named project. Plans for this project are located in the Municipal Offices. **A ROW Plan showing the impacts to my property are shown on the back page of this two sided document.** The purpose of this Right of Entry is to allow for changes and to carry out the work on my property as out lined below.

Grading and landscaping improvements for memorial

This Right of Entry is made of my/our free will. I/we waive my/our right(s) to an appraisal and compensation. I/we have been advised of our rights for just compensation under the provisions of Uniform Act of 1970, as amended. This entry is to be made without prejudice to my rights in settlement of any claims for damages that may hereafter appear. I/we have been given the Federal Aid Acquisition Guide for Property Owners and have reviewed it.

Granted by : _____ / _____
Owner(s)/ Authorized Representative Date

****All Owners of Records must sign****

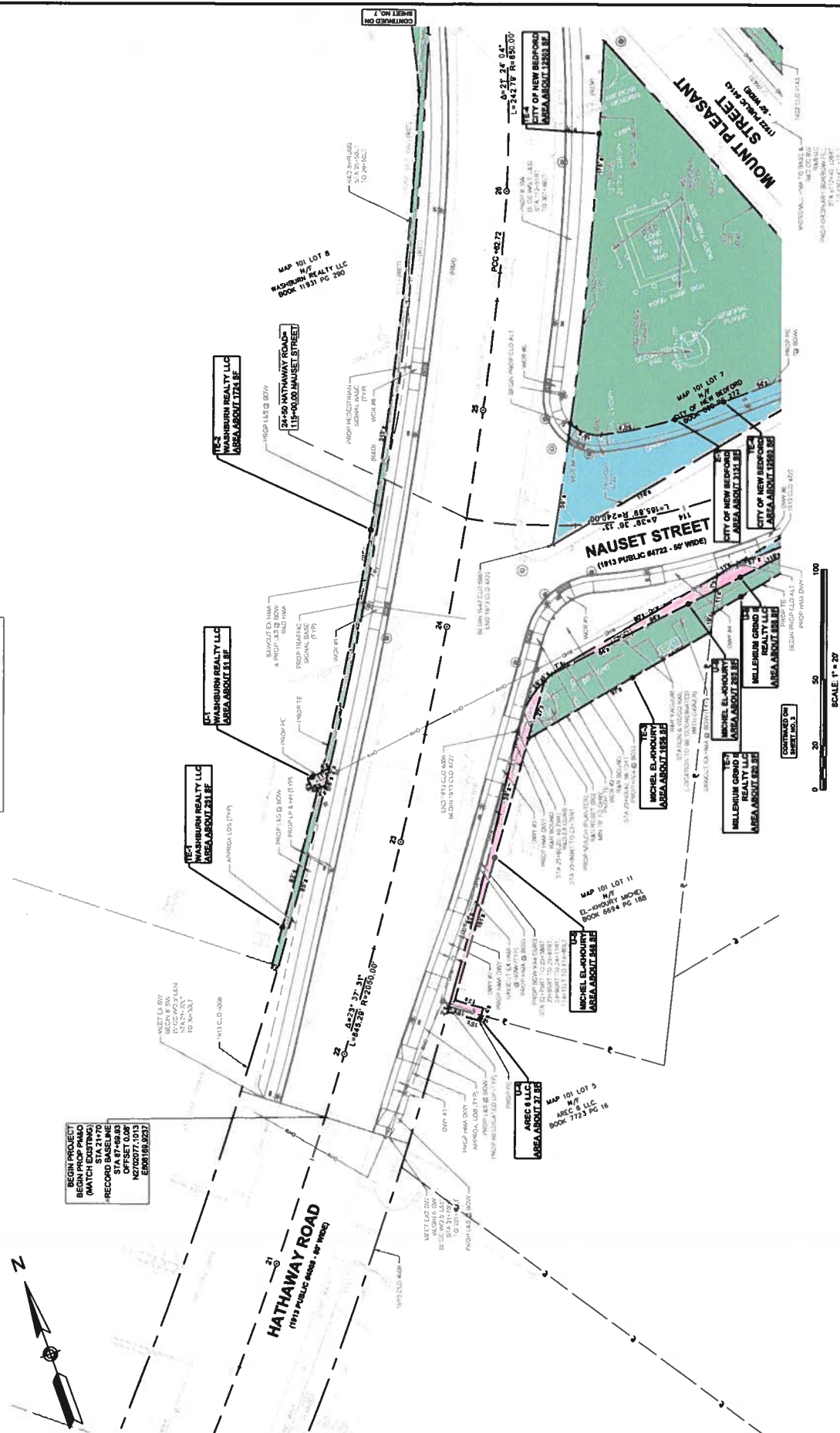
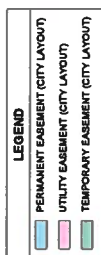
Recommended by: _____ / _____
Authorized City/Town Official - Title Date

Note: If the subject parcel(s) is/are owned by a corporation, estate, trust, etc., then an appropriate document, authorizing this donation must be attached to this document. Note: An executed Affidavit from the municipality must be attached for this document to be valid for ROW Certification.

**NEW BEDFORD
HATHAWAY TRIANGLE IMPROVEMENTS**

STATE	FED. AND PROJ. NO.	SHEET NO.	TOTAL SHEETS
MA	.	1	3

PROJECT FILE NO. 800718

PROPERTY PLANS (COLORED)

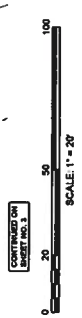
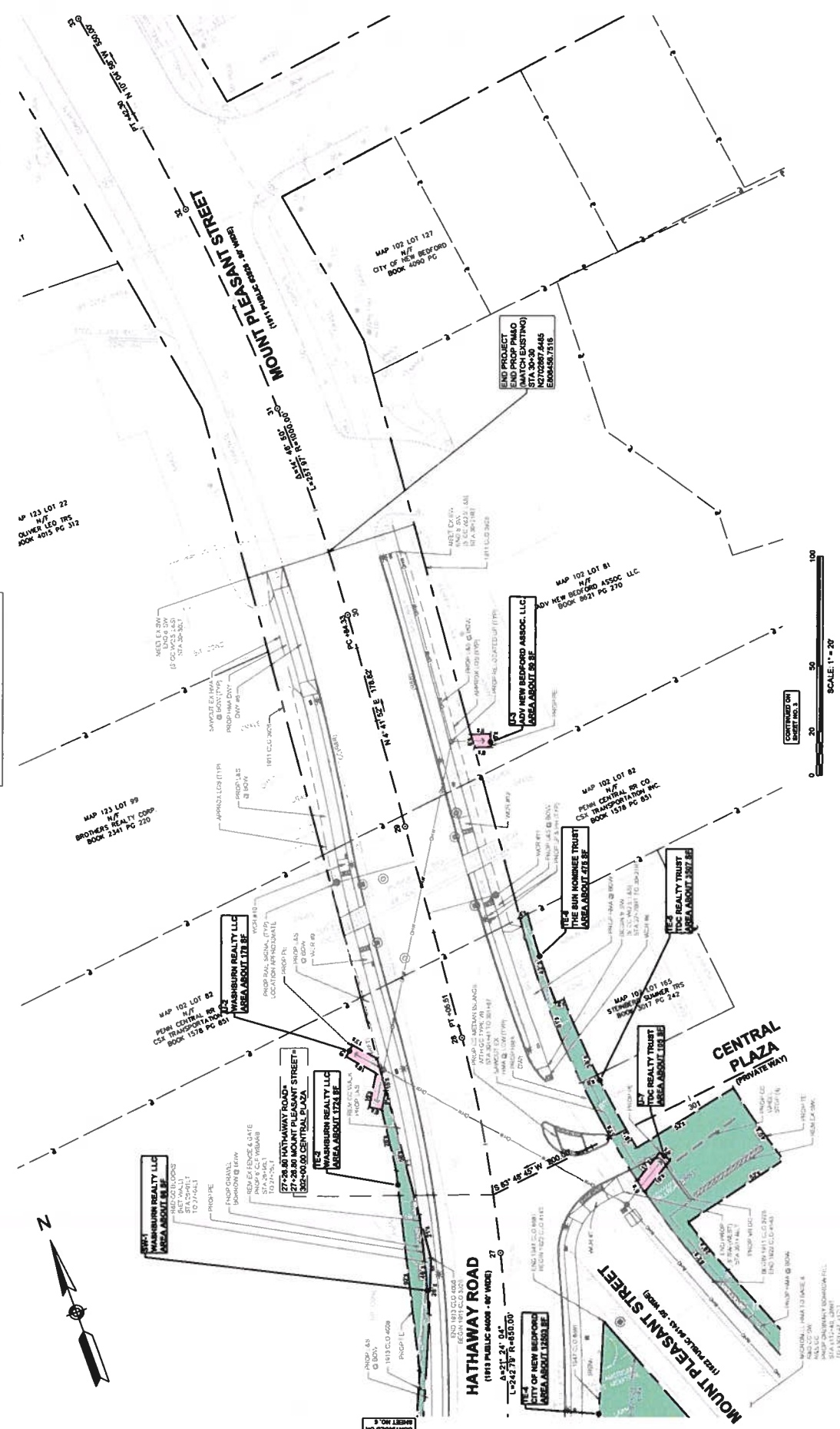
NEW BEDFORD
HATHAWAY TRIANGLE IMPROVEMENTS

DATE	BY	REV.	DESCRIPTION
04/11/18	DA	1	ISSUED FOR PERMITS
04/11/18	DA	2	REVISED
04/11/18	DA	3	REVISED

PROJECT FILE NO. 608718
PROPERTY PLANS (COLORED)

LEGEND

PERMANENT EASEMENT (CITY LAYOUT)	UTILITY EASEMENT (CITY LAYOUT)	TEMPORARY EASEMENT (CITY LAYOUT)
[Pink Box]	[Blue Box]	[Green Box]



CONTINUED ON SHEET NO. 5

