

CITY OF NEWTON

IN BOARD OF ALDERMEN

SPECIAL JOINT MEETING

PUBLIC FACILITIES AND FINANCE COMMITTEES AGENDA

MONDAY, JULY 14, 2014

7:00 PM  
Room 222

**ITEM TO BE DISCUSSED:**

**Chairmen's Note: The Committees are being asked to amend the below item in order to facilitate an agreement that has been reached between the City of Newton and Lasell College, the details of which are attached.**

**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

#259-14 HIS HONOR THE MAYOR recommending that the Board of aldermen acquire a permanent and temporary drain and sewer easement through an eminent domain taking in the private land of Lasell College from Aspen Avenue to Seminary Avenue, a distance of 320' ±, and award damages to Lasell College in the amount of five thousand five hundred dollars (\$5,500) to be appropriated from the Law Department Settlements and Judgments Account.

All other items before the Committees will be held without discussion.

Respectfully Submitted,

Deborah Crossley, Chairman  
Public Facilities Committee

Leonard J. Gentile, Chairman  
Finance Committee



SETTI D. WARREN  
MAYOR

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Office of the Mayor

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July 03, 2014

Finance Committee and  
Public Facilities Committee of the  
Honorable Board of Aldermen  
Newton City Hall  
1000 Commonwealth Avenue  
Newton, MA 02459

RECEIVED  
Newton City Hall  
2014 JUL - 7 AM 9:51  
David A. Oison, CFO  
Newton, MA 02459

Re: Supplemental Request-Docket Item 259-14

Ladies and Gentlemen:

I request your approval to enter into an agreement with Lasell College to supplement the damages of \$5,500.00 previously requested for the taking of a sewer and drain easement as follows:

- The City of Newton will pay up to fifty (50%) percent of the cost of a photovoltaic solar system for a Lasell Village building up to a maximum amount of \$44,500.00 – source of funds Sewer Reserve Acct; and
- The City of Newton will connect Bancroft House at Lasell College and the Lasell Village building currently being pumped to the sanitary sewer main to the new gravity feed sewer main at no cost to Lasell Village or Lasell College.

Thank you for your attention to this important request.

Sincerely,

  
Setti D. Warren,  
Mayor

cc: Donnalyn Kahn, City Solicitor  
Lou Taverna, City Engineer  
David Turocy, Commissioner of Public Works

From: SEWER Fund  
OPERATING RESERVE 50,000  
27A10498-5790  
To: SEWER Legal Settlements 50,000  
~~27A10499~~  
27A10893-5725

1000 Commonwealth Avenue Newton, Massachusetts 02459

www.newtonma.gov



DEDICATED TO COMMUNITY EXCELLENCE

  
7/9/2014

DRAFT

CITY OF NEWTON  
IN THE BOARD OF ALDERMEN  
TAKING OF EASEMENT  
FOR DRAIN AND SEWER PURPOSES  
ASPEN AVENUE TO SEMINARY AVENUE  
ACROSS PRIVATE LAND

# 259 - 14(A)  
RECEIVED  
Newton City Clerk  
2014 JUL -7 AM 9:51  
David A. Olson, CMC  
Newton, MA 02459

WHEREAS, in the opinion of the Board of Aldermen public necessity and convenience require that the City of Newton acquire a perpetual easement for drain and sewer purposes from Aspen Avenue to Seminary Avenue, on private land; and

WHEREAS, in the opinion of the Board of Aldermen public necessity and convenience require that the City of Newton acquire a temporary easement for the purpose of performing the work necessary to construct and lay a sewer and drain within the perpetual easement area; and

WHEREAS, a professional appraisal has been obtained to determine the value of the perpetual and temporary easements to be taken, it is therefore

ORDERED: that a perpetual easement (hereinafter the "easement") be and is hereby taken for the purpose of installing, placing, constructing, renewing, repairing, relocating, inspecting, maintaining and forever operating main drains, common sewers, pipes, manholes, conduits and all appurtenances for the operation of public sewer and drain service utilities in, under, and on, including the right of ingress and egress, the land shown as "PROPOSED 20' WIDE SEWER EASEMENT" on a plan entitled "Easement Plan of Land, Lasell Village, Newton, Massachusetts," dated July 27, 2012 by Verne T. Porter, Jr., PLS, recorded in the Middlesex South District Registry of Deeds as Plan No. \_\_\_\_\_ of 2014. Said easement parcel as shown on said plan is bounded and described as follows:

Beginning at a point on Aspen Avenue N 47° 46' 02" W 31.27 feet from the PC of the curve having a radius of 150.21 feet;

Thence turning and running in two courses S 85° 57' 42" W 161.52 feet and S 60°-54-05 W 159.88 feet respectively to Seminary Avenue;

Thence turning and running by Seminary Avenue on a curve to the left having a radius of 355.00 feet and a length of 24.74 feet to a point;

Thence turning and running N 60° 54' 05" E 79.54 feet to a point;

**DRAFT**

Thence turning and running S 56° 07' 08" E 6.03 feet to a point;

Thence turning and running N 34° 05' 40" E 11.90 feet to a point;

Thence turning and running N 85° 57' 42" E 146.60 feet to a point on Aspen Avenue;

Thence turning and running S 47° 46' 02" E 27.83 feet to the point of the beginning.

This order of taking shall include the acquisition of all storm drains, sanitary sewer mains, manholes, conduits and all appurtenances thereto that are now or hereafter constructed or installed in through or under the above described easement parcel except that this order of taking shall not include any building service pipes or appurtenances for which the property owners shall have the perpetual right and responsibility to maintain.

The following is the name of the owner of the parcel over which the easement is taken for the purposes described hereinabove so far as known to the Board of Aldermen. The reference to the parcel is as it appears in the records of the Southern Middlesex Land Court Registry District.

OWNER/PROPERTY ADDRESS

Lasell College  
Seminary Avenue  
Newton, MA

TITLE REFERENCE

L.C. Case 43023  
Certificate No. 249733  
Book 1406, Page 63

The monetary damages which are awarded to the owner of the parcel on which the easement has been taken for the purposes described hereinabove are \$5,500.00.

There shall be no betterments assessed.

The trees upon and the structures affixed to said land are not taken, and the owner of said land taken as aforesaid shall be allowed sixty (60) days from the passage of this Order to take off trees or structures which may obstruct the construction of the sewer and drain described hereinabove.

TEMPORARY EASEMENT

IT IS HEREBY FURTHER ORDERED: that a temporary easement shown on the plan referenced hereinabove as "PROPOSED 40' WIDE TEMPORARY CONSTRUCTION EASEMENT" be and the same is hereby taken for the limited purpose of enabling the City of Newton and its authorized agents, servants, employees and contractors to enter upon the temporary easement area for the purpose of installing, placing, inspecting, and otherwise performing the construction work which is necessary to lay and make main drains, common sewers, pipes, manholes, conduits and other necessary appurtenances within the aforescribed easement area. The term of said temporary easement shall commence upon the date of the passage of this Order and shall continue until the earlier of, the completion of the installation of the main drain and sewer and appurtenances in the aforescribed easement area, or,

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June 30, 2015. Upon the completion of said installation, or June 30, 2015, whichever occurs first, all rights of the City of Newton in the temporary easement shall terminate. Said temporary easement as shown on said plan is bounded and described as follows:

Beginning at a point on Aspen Avenue N 47° 46' 02" W 17.3 feet from the PC of the curve having a radius of 150.21 feet;

Thence turning and running in two courses S 85° 57' 42" W 168.97 feet and S 60°-54-05 W 50.70 feet respectively to a point;

Thence turning and running N 29° 05' 55" W 29.75 feet to a point;

Thence turning and running N 34° 05' 40" E 22.74 feet to a point;

Thence turning and running N 60° 54' 05" E 39.29 feet to a point;

Thence turning and running N 85° 57' 42" E 139.15 feet to a point on Aspen Avenue;

Thence turning and running S 47° 46' 02" E 55.67 feet to the point of the beginning.

The following is the name of the owner of the parcel over which the temporary easement is taken for the purposes described hereinabove so far as known to the Board of Aldermen. The reference to the parcel is as it appears in the records of the Southern Middlesex Land Court Registry District.

**OWNER/PROPERTY ADDRESS**

Lasell College  
Seminary Avenue  
Newton, MA

**TITLE REFERENCE**

L.C. Case 43023  
Certificate No. 249733  
Book 1406, Page 63

The monetary damages which are awarded to the owner of the parcel on which the temporary easement has been taken for the purposes described hereinabove are NONE.

There shall be no betterments assessed.

The trees upon and the structures affixed to said land are not taken, and the owner of said land taken as aforesaid shall be allowed sixty (60) days from the passage of this Order to take off trees or structures which may obstruct the construction of the sewer and drain described hereinabove.

CITY OF NEWTON  
IN BOARD OF ALDERMEN

2014

ORDERED:

That in accordance with the recommendation of the Public Facilities Committee through its Chairman, Ald. Deborah Crossley and the Finance Committee through its Chairman Leonard J. Gentile, the Mayor is authorized to enter into an agreement with Lasell College to supplement the damages of five thousand five hundred dollars (\$5,500) for the taking of a sewer and drain easement by paying up to fifty (50%) of the cost of a photovoltaic solar system for a Lasell Village building up to a maximum amount of forty-four thousand five hundred dollars (\$44,500) and by connecting Bancroft House at Lasell College and the Lasell Village building currently being pumped to the sanitary sewer main to the new gravity feed sewer mains at no cost to Lasell Village or Lasell College

AND

That the transfer of funds in the amount of fifty thousand dollars (\$50,000) from the Sewer Fund Operational Reserve to the Sewer Legal Settlements Account for the purpose of funding the agreement be and is hereby approved as follows:

FROM:	Sewer Fund Operational Reserve (27A10498-5790).....	\$50,000
TO:	Sewer Legal Settlements (27A10893-5725).....	\$50,000

Under Suspension of Rules  
Readings Waived and Approved

**Shawna Sullivan**

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**From:** David C. Wilkinson  
**Sent:** Thursday, July 10, 2014 11:41 AM  
**To:** Shawna Sullivan  
**Subject:** Funding for docket item #259-14

Shawna,

The funding source for docket #259-14 is a transfer from the FY 2015 Sewer Fund operating reserve to the FY 2015 Sewer Fund legal settlement account.

A transfer from the operating reserve is necessary because no funds are budgeted in the 2015 Sewer Fund legal settlement account, and the language of the budget board order requires Mayor and Board approval for any transfer from the operating and capital reserves within the Water and Sewer Funds.

Please let me know if you need anything further.

Thank you.