

**LAW DEPARTMENT**



**CITY OF NEWTON, MASSACHUSETTS**

**CITY HALL**

1000 COMMONWEALTH AVENUE

NEWTON CENTRE, MA 02459

TELEPHONE (617) 796-1240

FACSIMILE (617) 796-1254

**CITY SOLICITOR  
ALISSA O. GIULIANI**

---

**DEPUTY CITY SOLICITOR  
JONAH M. TEMPLE**

**ASSISTANT CITY SOLICITORS**  
ALAN D. MANDL  
JACLYN R. ZAWADA  
ANDREW S. LEE  
CAROLYN A. WEISMAN  
JENNIFER M. WILSON  
KRISNA M. BASU  
JENNIFER S. KELLY  
KRISTEN N. ANNUNZIATO

**COVER LETTER**

**DATE:** August 8, 2023

**FROM:** Andrew S. Lee, Assistant City Solicitor

**TO:** Carol Moore, City Clerk

**COPIES TO:** Louis M. Taverna, City Engineer  
Anthony Ciccariello, Commissioner of ISD

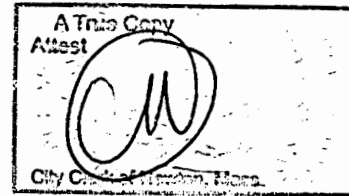
**RE:** Commonwealth Avenue/Carriageway Rehabilitation Project  
Taking of Temporary Easements

Attached is the original Order of Taking (#218-23) of Temporary Easements for Construction Purposes related to the above-referenced Project. The Order is recorded with the Middlesex South Registry of Deeds in Book 81834, Page 133.

CITY OF NEWTON

IN CITY COUNCIL

July 10, 2023



2023 00084865

Bk: 81834 Pg: 133 Doc: TAKE  
Page: 1 of 6 07/31/2023 01:06 PM

ORDER OF TAKING

**TEMPORARY EASEMENTS FOR CONSTRUCTION PURPOSES**

WHEREAS, in the opinion of the City Council of the City of Newton, the public necessity and convenience require that the City of Newton acquire temporary easements forthwith for the purposes of performing the work necessary to rehabilitate and reconstruct Commonwealth Avenue and the Carriage Way, it is therefore,

ORDERED: that Temporary Easements be and are hereby taken over through and under, including the rights of ingress and egress, the areas shown as Parcels TE-1, TE-2, TE-3, TE-4, TE-25, TE-6, TE-24, TE-23, TE-8, TE-9, TE-11, TE-12, TE-13, TE-16, TE-17, TE-19, TE-22 (collectively the "Temporary Easement Area"), on a plan of land titled "Easement Plan, Commonwealth Avenue, Newton, Mass, Middlesex County (Middlesex County Registry), Showing Location of Temporary Easements" dated April 7, 2023 and recorded with the Middlesex South Registry of Deeds herewith.

The above described Temporary Easements are taken and to be used for the purpose of allowing the City and its authorized agents, servants, employees and contractors to enter upon the Temporary Easement Area in connection with the reconstruction and rehabilitation of Commonwealth Avenue and the Carriage Way for the purpose of locating, constructing, installing, placing and inspecting improvements thereof, including but not limited to the operation and storage of equipment, and otherwise performing construction work related to the reconstruction and rehabilitation of Commonwealth Avenue and the Carriage Way.

The term of the Temporary Easements shall commence upon the date this Order is recorded with the Middlesex South Registry of Deeds and shall expire upon the earlier of the completion of the City of Newton's reconstruction and rehabilitation project for Commonwealth Avenue and the Carriage Way or three years from the date of recording of this Order. Upon the expiration of these Temporary Easements, all rights of the City under this Temporary Easement shall terminate. The City shall leave the Temporary Easement Area in substantially the same condition that it was at the commencement of these Temporary Easements.

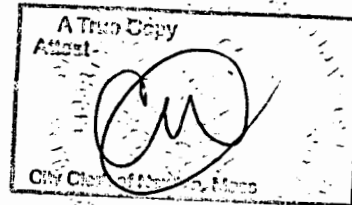
The following are the names of the owners and mortgagees of parcels over which an easement is taken for the purposes described hereinabove so far as known to the Council.

The references to the parcels are as they appear in the records of the Middlesex South District Registry of Deeds.

Law Dept,  
1000 Commonwealth Ave,  
Newton, MA 02459

plan # 509 of 2023

<u>OWNER/PROPERTY ADDRESS</u>	<u>TITLE REFERENCE</u>	<u>APPROXIMATE EASEMENT AREA</u>	<u>AWARD</u>
CHSP NEWTON LLC 2345 Commonwealth Avenue	Book 55107, Page 408	Parcel TE-1 1,225 sq/ft	\$8,700
The Twenty-Three Hundred Trust 2340-2366 Commonwealth Avenue	Book 12908, Page 562	Parcel TE-2 1,129 sq/ft	\$8,300
Chatham Properties, LLC 2300-2320 Commonwealth Avenue	Book 30060, Page 5	Parcel TE-3 1,156 sq/ft	\$11,000
Maureen A. Codyer and Paul M. Codyer 16 Phillips Street	Book 54641, Page 429	Parcel TE-4 1,024 sq/ft	\$37,300
Douglas Harrison and Allison Page 78 Woodbine Street	Book 77379, Page 166	Parcel TE-25 197 sq/ft	\$ 5,400
Mortgagee: Mortgage Electronic Registration Systems, Inc., nominee of Quicken Loans, LLC	Book 77379, Page 172		



Chatham Village  
Condominium  
2235 Commonwealth  
Avenue

Book 13819, Page 49

Parcel TE-6

\$3,600

563 sq/ft

Parcel TE-24

294 sq/ft

Whynots Properties Trust  
2238 Commonwealth  
Avenue

Book 12982, Page 158

Parcel TE-23

\$14,100

342 sq/ft

Mortgagees:

The Federal Savings Bank

Book 27449, Page 463

Book 33718, Page 228

Book 34533, Page 514

Newton South Co-  
operative Bank

Book 51970, Page 487

Wellesley Bank

Peter H. Goddard and  
Natasha Padilla-Goddard  
6 Islington Road

Book 47745, Page 71

Parcel TE-8

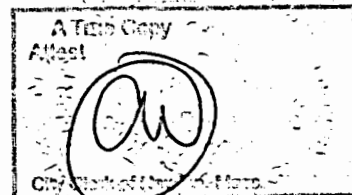
\$30,100

1,018 sq/ft

Mortgagees:

Newrez LLC d/b/a  
Shellpoint Mortgage  
Servicing

Book 79359, Page 545



USAlliance Federal Credit  
Union

Book 62082, Page 119

RBS Citizens, N.A.

Book 64273, Page 183

Book 68247, Page 297

2234-2236  
Commonwealth Avenue  
Condominium

Book 50177, Page 131 Parcel TE-9  
484 sq/ft

\$25,300

2234-2236  
Commonwealth Avenue

Lyons Park Condominium  
2220 Commonwealth  
Avenue

Book 16787, Page 282 Parcel TE-11  
509 sq/ft

\$13,900

Kruszewski Realty Trust  
2212 Commonwealth  
Avenue

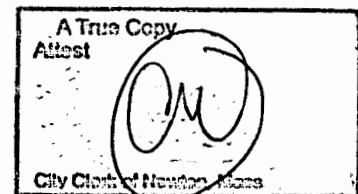
Book 76525, Page 338 Parcel TE-12  
477 sq/ft

\$8,400

Mortgagees:

Mortgage Electronic  
Registration Systems, Inc.,  
nominee of Finance of  
America Reverse LLC

Book 75652, Page 412



USA Housing and Urban  
Development

Book 75652, Page 430

2202 Commonwealth  
Avenue LLC

Book 80918, Page 376 Parcel TE-13  
718 sq/ft

\$11,000

2202 Commonwealth  
Avenue

Mortgagee:

Book 80918, Page 381

Bluestone Bank

Roman Catholic  
Archbishop of Boston

Book 4512, Page 561 Parcel TE-16  
Book 5751, Page 449 823 sq/ft

\$14,000

45 Ash Street

Book 6498, Page 205

2158-2160  
Commonwealth Avenue  
Condominium

Book 66978, Page 416 Parcel TE-17  
Book 67076, Page 352 670 sq/ft

\$23,200

2158-2160  
Commonwealth Avenue

Nicholas Ventouris and  
Angelina Ventouris

Book 66628, Page 562 Parcel TE-19  
142 sq/ft

\$1,400

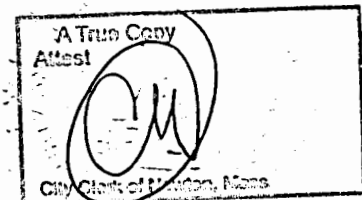
2171 Commonwealth  
Avenue

Mortgagees:

Book 73412, Page 122

Brookline Bank

Book 77358, Page 131



Mortgage Electronic  
Registration Systems, Inc.,

nominee of Bluestone  
Bank

Bruce Kwong and Helen Chan Kwong  
2149 Commonwealth Avenue  
Book 35319, Page 363 Parcel TE-22 \$13,900  
649 sq/ft

Mortgagees: Book 61699, Page 140

First Federal Bank

Book 63763, Page 165

Direct Federal Credit Union

The monetary damages which are awarded to the respective owners of the parcels on which the Temporary Easements have been taken for the purposes described herein are set forth above.

There shall be no betterment assessments to the abutters.

The trees upon and the structures affixed to said parcels are not taken.

Under Suspension of Rules  
Readings Waived and Approved  
20 yeas 0 nays 4 absent (Councilors Danberg, Gentile, Kalis, and Norton)



(SGD) CAROL MOORE

City Clerk



(SGD) RUTHANNE FULLER

Mayor

7/25/2023

