

CITY OF NEWTON

IN CITY COUNCIL

RELOCATION OF EASEMENT

**FOR COMMON SEWER PURPOSES
949 DEDHAM STREET**

August 12, 2024

ORDERED:

WHEREAS, the City of Newton holds an easement for Common Sewer purposes on the property of Nishith K. Jobanputra and Shefali M. Jobanputra, Trustees of the Nisith K. Jobanputra and Shefali M. Jobanputra Living Trust, known as and numbered 949 Dedham Street, Newton, MA (the "Premises"), as shown as "15' WIDE SEWER EASEMENT TO BE RELOCATED" (the "City Easement") on the plan of land titled "Sewer Line Relocation Plan of Land, 949 Dedham Street, Newton, Mass.", prepared by Thomas A. Ryder, P.E. & Associates, and dated April 15, 2024 (Revised June 27, 2024).

WHEREAS, the owners of the Premises desire to relocate the City Easement so that access to the City Easement, as relocated, is not impeded by their improvements on the property; and

WHEREAS, the City Council has appointed a time for a public hearing and has caused a notice thereof and of its intention in the matter to be given; and

WHEREAS, said public hearing has been held before the Public Facilities Committee of the City Council, and it is the opinion of the City Council of the City of Newton, the public necessity and convenience require that the City Easement be relocated as further described below; it is hereby

ORDERED, that the City Easement is hereby modified such that the City Easement shown as "15' WIDE SEWER EASEMENT TO BE RELOCATED" on the plan of land titled "Sewer Line Relocation Plan of Land, 949 Dedham Street, Newton, Mass.", prepared by Thomas A. Ryder, P.E. & Associates, and dated April 15, 2024 (Revised June 27, 2024), is hereby abandoned and relocated to that parcel of land shown as "20' WIDE SEWER EASEMENT" (the "Relocated City Easement") on said plan, that the existing Common Sewer in the abandoned City Easement be removed, and that the Common Sewer be laid, made, repaired, and maintained in the Relocated City Easement.


ORDERED, that the Mayor is authorized in the name of and on behalf of the City of Newton to execute, deliver and record instruments to discontinue and abandon and to accept grants of easement to effectuate the relocation of the City Easement, as described herein. All such instruments shall be in a form approved by the City Solicitor.


This Order is granted upon the following conditions: The petitioners, Kevin Hennigan and Nishith K. Jobanputra and Shefali M. Jobanputra, Trustees of the Nisith K. Jobanputra and Shefali M. Jobanputra Living Trust, or their respective successor(s), shall pay the full costs of removal, relocation, and installation of the Common Sewer, as set forth herein. The petitioners, or their successor(s), shall complete all such work by their contractor, under the terms of a Common Sewer construction license issued by the Public Works Commissioner, or by use of City forces, at the option of the Public Works Commissioner; and all such work shall comply with the standards and specifications of the City Engineer, and be completed under his inspection and to his satisfaction; and all such work shall comply with the terms of a memorandum from John Daghljan, Associate City Engineer, dated July 1, 2024, including but not limited to the "Conditions & Special Provisions" contained therein, on file in the records of the City Council. There shall be no expense to the City of Newton and there shall be no betterment assessments to the abutters. The petitioners, their successors and assigns, shall deliver to the City a grant of easement for the Relocated City Easement, in a form approved by the City Solicitor. The petitioners, their successors and assigns, shall prepare and deliver to the City an easement plan, in a form approved by the City Engineer, for recording at the Registry of Deeds. All costs for the recording of the easement, easement plan, and any associated documents shall be borne by the petitioners.

Under Suspension of Rules

Readings Waived and Approved

21 yeas 0 nays 3 absent (Councilors Block, Downs and Lobovits)


(SGD) CAROL MOORE
City Clerk


(SGD) RUTHANNE FULLER
Mayor

Date: 8/16/2024