



## Public Facilities Committee Agenda Addendum

### City of Newton In City Council

Wednesday, June 22, 2016

7:00 PM  
Room 204

#### Referred to Public Facilities and Finance Committees

**#229-16** **Taking of a temporary construction easement for the Elliot St Bridge Project**  
HIS HONOR THE MAYOR recommending that the City Council acquire temporary construction easement through an eminent domain taking in the private lands of 393-396 and 404-406 Elliot Street, a distance of 135' ±, and award damages to be determined to Chatham Properties. [06-20-16 @11.26 AM}

Respectfully submitted,

Deborah J. Crossley, Chair

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The location of this meeting is handicap accessible and reasonable accommodations will be provided to persons requiring assistance. If you need a special accommodation, *please contact Jini Fairley, at least two days in advance of the meeting: [jfairley@newtonma.gov](mailto:jfairley@newtonma.gov), or 617-796-1253. For Telecommunications Relay Service dial 711.*

City of Newton



DEPARTMENT OF PUBLIC WORKS

OFFICE OF THE COMMISSIONER

1000 Commonwealth Avenue  
Newton Centre, MA 02459-1449

Setti D. Warren  
Mayor

June 20, 2016

**APPROVED**

Mayor Setti D. Warren  
City of Newton  
1000 Commonwealth Avenue  
Newton Centre, MA 02459

RE: Taking a Temporary Construction Easement  
Elliot Street Bridge Rehabilitation

Dear Honorable Mayor Warren:

As you know, the City of Newton and Town of Needham are undertaking the rehabilitation of the Elliot Street Bridge, with the actual work to commence in early July. This repair work is of critical importance to both municipalities, as is the need to complete the rehabilitation of the bridge this construction season.

In order to access the abutments to the bridge on the Newton side, the contractor will need to cross over private property located at ##393-396 and ## 404-406 Elliot Street. These properties are residential rental units owned by Chatham Properties, LLC. A map showing the temporary construction easement is attached to this letter.

The City's Law Department has been working with the property owner to secure that owner's voluntary agreement to allow the temporary construction easement. That process, however, has taken much longer than anticipated. Many of the property owner's requests have been agreed to by the City (such as no storage of construction equipment or materials other than safety fencing and erosion control overnight; having the property owner added to the contractor's insurance coverage; and restoring the property to its original condition at the end of construction activities). However, there are still a few outstanding issues and at this time, the property owner has not agreed to give the City a temporary construction easement.

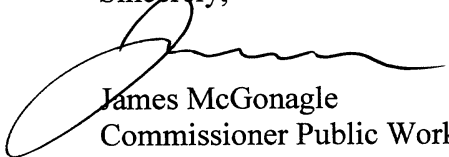
The City's contractor must have access to the bridge abutments on the Newton side, and there is no alternative "work around" that would allow the construction to go forward without the temporary construction easement over a maximum 20 ft. wide strip of land as shown in the attached map.

RECEIVED  
Newton City Clerk  
2016 JUN 20 AM 11:26  
David A. Olson, Clerk  
Newton, MA 02459

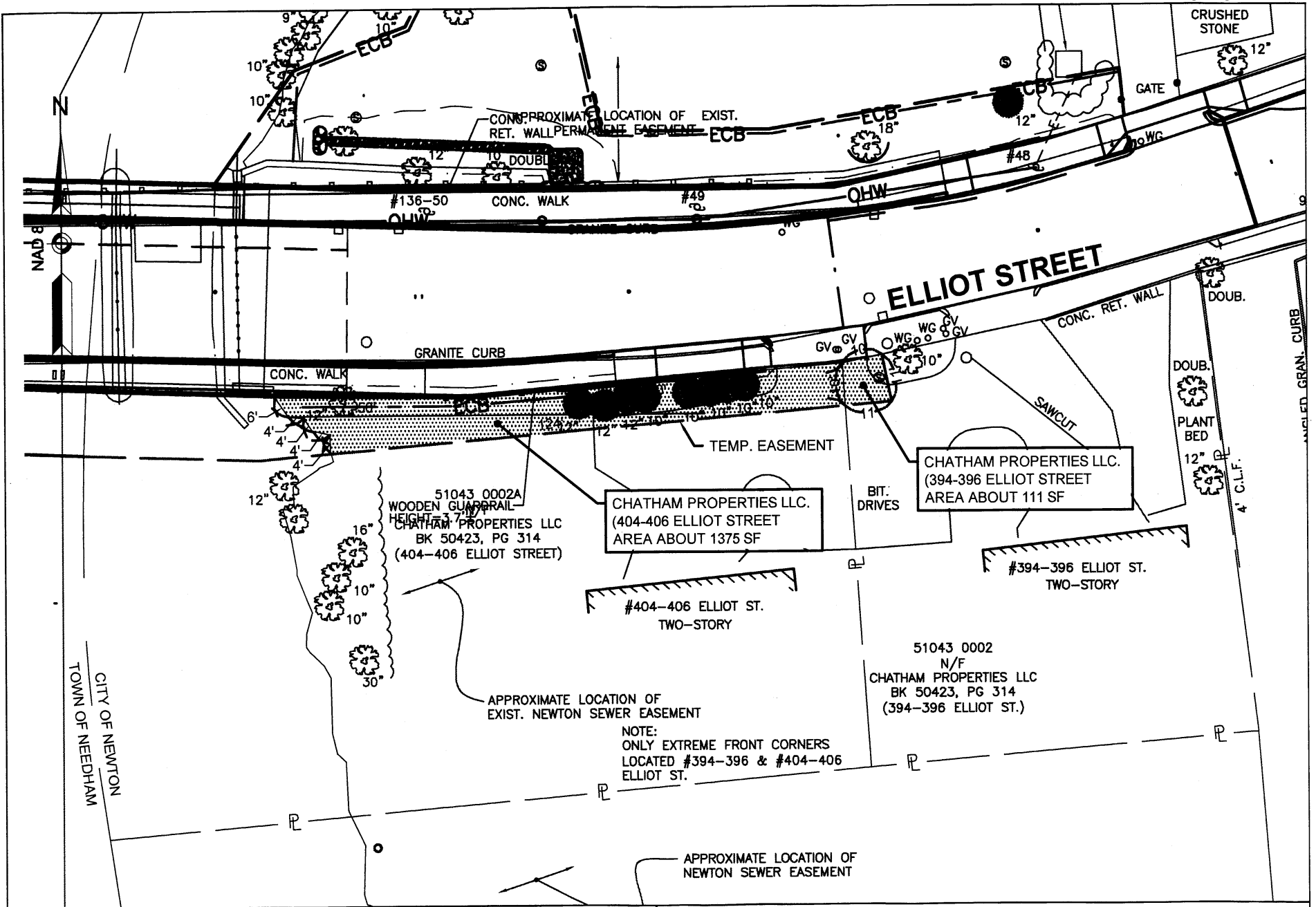
The City will continue negotiations with the property owner, but in the event that those negotiations are unsuccessful, I am requesting that the City take the necessary temporary construction easement as shown in the attached map using eminent domain. The City Council will need to act on this request at its July meeting in order to keep the rehabilitation of the Elliot Street Bridge on schedule.

Please let me know if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'James McGonagle', with a large, sweeping flourish at the end.

James McGonagle  
Commissioner Public Works



**TEMPORARY EASEMENT  
ELLIOT STREET  
NEWTON, MA**



CHATHAM PROPERTIES LLC.  
(404-406 ELLIOT STREET  
AREA ABOUT 1375 SF

CHATHAM PROPERTIES LLC.  
(394-396 ELLIOT STREET  
AREA ABOUT 111 SF

51043 0002A  
WOODEN GUARDRAIL  
HEIGHT = 3'-7"  
CHATHAM PROPERTIES LLC  
BK 50423, PG 314  
(404-406 ELLIOT STREET)

51043 0002  
N/F  
CHATHAM PROPERTIES LLC  
BK 50423, PG 314  
(394-396 ELLIOT ST.)

#404-406 ELLIOT ST.  
TWO-STORY

#394-396 ELLIOT ST.  
TWO-STORY

APPROXIMATE LOCATION OF  
EXIST. NEWTON SEWER EASEMENT

NOTE:  
ONLY EXTREME FRONT CORNERS  
LOCATED #394-396 & #404-406  
ELLIOT ST.

APPROXIMATE LOCATION OF  
NEWTON SEWER EASEMENT

CITY OF NEWTON  
TOWN OF NEEDHAM