

CITY OF NEWTON

IN BOARD OF ALDERMEN

PUBLIC FACILITIES COMMITTEE AGENDA

WEDNESDAY, APRIL 6, 2011

7:45 PM
Room 209

ITEMS SCHEDULED FOR DISCUSSION:

Public hearing assigned for April 6, 2011:

#86-11 COMCAST OF NEWTON ENGLAND petition for a Grant of Location to install approximately 180' of conduit, southeasterly, from a new service vault located behind the sidewalk in front of 181 Wells Avenue in order to provide Comcast service to 189 Wells Avenue. [03-10-11 @ 10:44 AM]

Public hearing reassigned for April 6, 2011:

#214-10(4) COMMISSIONER OF PUBLIC WORKS requesting abandonment of the 80' building setback line along Boylston Street (Route 9) located on the property at 200 – 230 Boylston Street (Chestnut Hill Square) established by Board Order #100483, dated December 3, 1951, as it conflicts with proposed building locations shown on plans related to Special Permit Board Order #214-10 dated 12/06/10. [12-10-10 @ 1:17 PM]

#214-10(3) COMMISSIONER OF PUBLIC WORKS, in accordance with Massachusetts General Law Ch. 40, Sec. 15, requesting abandonment of certain City water and drain utility easements located on the property at 200 – 230 Boylston Street (Chestnut Hill Square) as well as relocation of water and drain utilities, utility lines and acceptance of related water and drain utility easements. [12-10-10 @ 1:17 PM]

#385-07 ALD. SCHNIFFER AND GENTILE updating the Public Facilities Committee on the progress of the Newton North High School Project. [11/21/07 @ 10:23 AM]

ITEMS NOT YET SCHEDULED FOR DISCUSSION:

REFERRED TO PUBLIC FACILITIES & FINANCE COMMITTEES

#89-11 FINANCE COMMITTEE recommending that **Sec. 29-72(b) Same— Assessments upon owners of estates passed by new sewers.** of the City of Newton Rev Ordinances, 2007, be amended to increase the fixed uniform rates assessed upon owners of all estates passed by new sewers to rates that more accurately represent the estimated average cost of installing such sewers. [03-07-11 @ 9:30 AM]

The location of this meeting is handicap accessible, and reasonable accommodations will be provided to persons requiring assistance. If you have a special accommodation need, please contact the Newton ADA Coordinator Kathleen Cahill, 617-796-1125, via email at KCahill@newtonma.gov or via TDD/TTY at (617) 796-1089 at least two days in advance of the meeting date.

REFERRED TO PROGRAMS & SERVICES AND PUBLIC FACILITIES COMMITTEE

- #99-11 ALD. ALBRIGHT, JOHNSON, and DANBERG requesting that the Department of Public Works coordinate data on the impact of the snow removal ordinance from the Department of Public Works, Parks and Recreation Department, Executive Office, and Senior Services into a monthly report for the winters 2012 and 2013, which will be sent to the Public Facilities Committee of the Board of Aldermen that includes the following data: (1) the number of people requesting exemptions; (2) the number of exemptions awarded; (3) the number of warning letters sent; (4) the ability of the City to maintain the same standard regarding treating the surface to preserve safe passage; and (5) cost of the implementation of the program.

REFERRED TO PUBLIC FACILITIES & FINANCE COMMITTEES

- #89-11 FINANCE COMMITTEE recommending that **Sec. 29-72(b) Same— Assessments upon owners of estates passed by new sewers.** of the City of Newton Rev Ordinances, 2007, be amended to increase the fixed uniform rates assessed upon owners of all estates passed by new sewers to rates that more accurately represent the estimated average cost of installing such sewers. [03-07-11 @9:30 AM]

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #60-11 HIS HONOR THE MAYOR requesting the budget for the Newton North High School construction project be amended by transferring funds from the owner's contingency line item to the construction manager at risk line item for the purpose of funding additional costs related to the demolition phase of the project. [02/10/11 @ 9:18 AM]
- #55-11 ALD. FULLER, CROSSLEY, ALBRIGHT, DANBERG, FREEDMAN, HESS-MAHAN recommending that Section 29-67A of the City of Newton Revised Ordinances 2007 regarding sewer clean-out fees be updated either to increase the fee from \$25 during normal hours (\$75 during overtime hours) to a fee more closely representing the full cost of service of cleaning a privately-owned building sewer lateral or, alternatively, eliminating the service. [02/14/11 @ 5:25 PM]

REFERRED TO PUBLIC SAF. & TRANS. AND PUBLIC FACILITIES COMMITTEES

- #41-11 ALD. JOHNSON, LENNON AND DANBERG requesting discussion of the elimination, except during snow emergencies, of the overnight parking ban which is in effect from November 15 through April 15. [01/18/11 @ 9:00 PM]
- #40-11 ALD. ALBRIGHT AND CROSSLEY requesting discussion regarding the possibility of changes to Newton's trash program to charge for the removal of white and bulky goods. [01/21/11 @ 1:42 PM]

REFERRED TO PROG & SERV, PUBLIC FACIL. AND FINANCE COMMITTEES

- #367-10 HIS HONOR THE MAYOR requesting authorization to appropriate an amount not to exceed five million dollars (\$5,000,000) from bonded indebtedness for the following:

(A) installation of up to six modular classrooms at five elementary schools as well as the addition of permanent classrooms and renovations to the core of F.A. Day Middle School. [11/29/10 @ 3:23 PM]

REFERRED TO PUBLIC FACILITIES, PROG&SERV AND FINANCE COMMITTEES

#312-10 ALD. LENNON, LAPPIN, SCHNIPPER, SANGIOLO requesting a discussion with the School Committee on its plans to address space needs in the Newton public schools. [10-27-10 @11:07 AM]

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#311-10(A) HIS HONOR THE MAYOR requesting an appropriation in the amount of three million three hundred thirty-five thousand dollars (\$3,035,000) from bonded indebtedness for the purpose of funding the FY 2011 Capital Improvement Plan projects as follows: [11/29/ 10 @ 3:23 PM]

Architectural Design and Engineering/ Next Scheduled Fire Station \$400,000
A-2 - HELD 6-0 \$270,000 for final design bidding and construction admin on 12/08/10

REFERRED TO FINANCE AND APPROPRIATE COMMITTEES

#311-10 HIS HONOR THE MAYOR submitting the FY'12-FY'16 Capital Improvement Program, totaling \$174,246,135 pursuant to section 5-3 of the Newton City Charter and the FY'11 Supplemental Capital budget which require Board of Aldermen approval to finance new capital projects over the next several years. [10/18/10 @5:24PM]

#245-10 ALD. SCHNIPPER requesting discussion with National Grid regarding the possible damage to trees as a result of gas leaks. [09/01/10 4:00 PM]

#244-10 ALD. SALVUCCI requesting discussion with the Utilities Director and the Public Works Commissioner regarding the possibility of installing second water meters for outside irrigation. [08/17/10 @12:18 PM]

#223-10 ALD. YATES & ALBRIGHT requesting updates on the status of the reconstruction of the Needham/Newton Street corridor, which include details on the reconstruction funding, plans for the revitalization of the area, and plans for the implementation of transportation improvements. [07/15/10 @ 1:02 PM]

#192-10 POST AUDIT & OVERSIGHT COMMITTEE requesting review of **Section 26-30 Licenses for café furniture on sidewalks** with the Commissioner of Public Works and the role of the Board of License Commission. [06/22/10 @ 2:08 PM]

#116-10 ALD. CROSSLEY AND HESS-MAHAN requesting discussion regarding status of ESCO weatherization audit focusing on building envelope retrofits proposed for Phase II and Phase III and coordinating those efforts to inform decision making on related capital expenditures. [04/13/10 @ 7:24 PM]

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #53-10 ALD. FULLER, SCHNIPPER, CROSSLEY & BAKER requesting a Resolution to His Honor the Mayor requesting the implementation of new parking meter payment methods and/or parking meter systems to eliminate the sole use of coins. [02/09/10 @ 12:43 PM]
(B) Resolution to His Honor the Mayor requesting the implementation of new parking meter payment methods and/or parking meter systems to eliminate the sole use of coins –HELD 7-0 on 03/03/10
- #22-10 ALD. YATES & DANBERG requesting a report from current and former members of the Design Review Committee on the treatment of the members of the committee relevant to the Newton North High School Project. [01/04/10 @8:16 PM]
- #397-09 NSTAR ELECTRIC petitioning for a grant of location to install a new pole (233/4-1X on the northeasterly side of HOMER STREET opposite Grafton Street. (Ward 6) [11-10-09 @ 12:24 PM]
- #367-09 PUBLIC FACILITIES COMMITTEE requesting discussion with the Law Department on how to resolve the dispute with NStar regarding whose responsibility it is to repair the streetlight connection between the manhole and the base of the streetlight. [10/21/09 @ 9:00 PM]
- #175-09 PUBLIC FACILITIES COMMITTEE requesting monthly updates from the Department of Public Works on the Commonwealth Avenue project. [06-03-09 @10:30 PM]
- #126-09 ALD. LAPPIN requesting an update on the status of repairs and rental of the Kennard Estate. [04/17/09 @ 2:49 PM]
- #111-09 ALD. ALBRIGHT AND MANSFIELD requesting discussion of recent information (made available to the Land Use Committee) from NStar related to double poles, focusing on the 350 double poles waiting only for removal of wires or streetlights by the City of Newton.

REFERRED TO PS&T, PUBLIC FACILITIES AND FINANCE COMMITTEES

- #60-09 ALD. SANGIOLO, GENTILE AND HARNEY requesting the installation of traffic islands on CONCORD STREET to be funded with the Cabot, Cabot and Forbes Traffic Mitigation Fund for Lower Falls (Ward 4). [02/03/09 @ 1:01 PM]

REFERRED TO PUBLIC FACILITIES AND PROGRAMS & SERVICES

- #8-09 ALD. HESS-MAHAN LINSKY, ALBRIGHT, FREEDMAN, MANSFIELD, JOHNSON, HARNEY & VANCE proposing an ordinance requiring that the installation of synthetic in-filled turf athletic fields on city-owned property shall use sustainable, recyclable, lead-free, non-toxic products to the maximum extent feasible. [12/30/08 @9:55 AM]

- #457-08 ALD. LAPPIN AND SALVUCCI requesting discussion with NStar regarding the timely repair of City streetlights and the development of a standard response timeframe. [11/20/08 @ 12:51 PM]
- #208-08 ALD. GENTILE, SANGIOLO, SALVUCCI AND SCHNIPPER requesting a discussion on establishing a permanent Building Committee in the City of Newton. [05/16/08 @ 11:47 AM]
- #253-07 ALD. LINSKY ALBRIGHT, JOHNSON, HARNEY, SANGIOLO, SALVUCCI, MANSFIELD, BURG, SCHNIPPER requesting (1) a review as to how provisions of applicable ordinances, specifically 5-58, were implemented during the course of the Newton North project, and (2) consider proposed revisions of 5-58 including, but not limited to:
- (a) timely provision of documentation by the public building department to the Board of Aldermen and Design Review Committee;
 - (b) establishment of liaison committees to facilitate communications and input from neighborhoods affected by projects subject to this ordinance;
 - (c) approval of final design plans by the Board of Aldermen of projects subject to this ordinance;
 - (d) oversight during the construction phase of projects subject to this ordinance by appropriate Board committee(s) both in respect to approval of change orders as well as design changes; and
 - (e) generation of a required record detailing the entire construction process by the public building department to guide present and future oversight of projects subject to this ordinance. [08/07/07 @ 3:12 PM]
- 54-07 ALD. SANGIOLO requesting discussion with the School Department and the Public Buildings Department about giving the School Department increased control over maintenance of school building facilities thereby allowing the School Department to have direct authority to deploy/hire staff to make necessary repairs to their school facilities. [02/09/07 @ 1:46 PM]
- #224-06(2) ALD. LINSKY, ALBRIGHT & JOHNSON, BAKER & SCHNIPPER requesting further deliberation on the conditions set forth in the Site Plan Approval Board Order relating to the Newton North High School project, considering possible expansion and modification of the conditions.
- #155-06(2) ALD. BLAZAR on behalf of James A. Blackburn, 105 Wood End Road, Newton Highlands petitioning for laying out, grading and acceptance of WOOD END ROAD as a public way from the intersection of Mountfort Road westerly to the intersection of Nantucket Road, a distance of approximately 360 feet to the width of 45 feet. [05/18/10 @ 11:52 AM]
- #152-06 PS&T COMMITTEE requesting discussion re Road Classification Design Types (as outlined by the Planning and Development Department) for future use as an overall management tool for the City.

#386-04 ALD. SANGIOLO, HESS-MAHAN, JOHNSON, AND DANBERG proposing an ordinance to require that designers selected have LEED certification and include high performance/life cycle analysis for all municipal construction projects in the City of Newton.

#321-04(2) ALD. JOHNSON requesting a RESOLUTION to His Honor the Mayor requesting that he expeditiously as possible find funding to create traffic calming measures on Mill Street as requested by the Traffic Council.

REFERRED TO PROG. & SERV., PUB. FAC. AND FINANCE COMMITTEES

#309-01 ALD. PARKER requesting increase in the income eligibility level of the 30% water/sewer discount for low-income senior citizens.

Respectfully submitted,

Sydra Schnipper, Chairman

CITY OF NEWTON
MASSACHUSETTS

PETITION FOR GRANT OF LOCATION

To the Petitioner:

City of Newton Ordinance Section 23-52 requires that each petition for grant of location be submitted to the Public Works Department for a preliminary review before the applicant files the petition with the Board of Aldermen. The comments of the Public Works Commissioner will be part of the record submitted to the Board of Aldermen. Upon filing with the Board of Aldermen, the petition will be scheduled for a public hearing before the Public Facilities Committee of the Board of Aldermen. **The petitioner is responsible for insuring that the petition is complete and all required materials are in order for review.** Attached please find the City Engineer's Standard Requirements for Plans.

Grant of Location Process:

1. Applicant submits completed Petition Form and required materials to Clerk of the Board's Office
2. Engineering Division of Public Works conducts preliminary review and provides written comments (estimated timeframe two weeks)
3. If there is no conflict, the Public Works Department files Petition Form with the Clerk of the Board. Petitioner has the right to file contested petition form to the Clerk of the Board.
4. Board of Aldermen schedules petition for a public hearing before the Public Facilities Committee of the Board of Aldermen
5. Public Facilities Committee recommendations are forwarded to the Board of Aldermen for a final decision

Questions may be directed to:

Shawna Sullivan, Committee Clerk, 796-1213
Lou Taverna, City Engineer, 796-1020

I. IDENTIFICATION (Please Type or Print Clearly)

Company Name Comcast of New England

Address 85 East Belcher Rd.

Foxboro, MA 02305

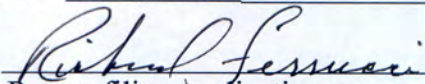
Phone Number 508-543-9022 Ext. 37814

Fax Number 508-543-5769

Contact Person Rich Ferrucci

Title Outside Plant Engineer

Signature


Person filing application

Date 03-07-11

If a telecommunications company, indicate how certified by the Department of Telecommunications and Energy:

II. DESCRIPTION OF PROJECT: to be completed by petitioner

A. Write here or attach a description of the project including, location, proposed time frame for completion, type of materials to be used, benefit provided to the City, project mitigation plan as applicable, street reconstruction plan including timetable for completion.

Place new conduit south-easterly in a straight line from new service vault located in the rear of sidewalk in front of 189 Wells Ave. extending 180' in the public way to the private property located at 189 Wells Ave. for the purpose of providing Comcast service. Construction is expected to be completed in two days, a Newton Police detail will be present, and proper signage provided for traffic and pedestrian travel. Trench will conform to Newton standards with 30" of cover and CDF for proper compaction. Mirra Co. Inc. is our preferred contractor for this work, has a bond with the City and will provide a 24 hour contact number at the time of permitting.

B. Attach a sketch to provide a visual description of the project. If plans are attached, provide:
Title of Plan Wells 365-522 Date of Plan 03-7-2011

III. PUBLIC WORKS DEPARTMENT REVIEW

Date received by Public Works Department _____

Check One:

Minor Project

Major Projects

Lateral

(Refer to City Engineer Standard Requirements for Plans for definition of minor and major project)

Plans Submitted:

Certified Plot Plan

Stamped Plans

DATE AND COMMENTS:

3/14/11

- 1. Street opening permit required from City of Newton
 - 2. Notify Engineering 48 hours prior to work
 - 3. Police detail prequired
- L. Laveau

RECOMMENDATIONS:

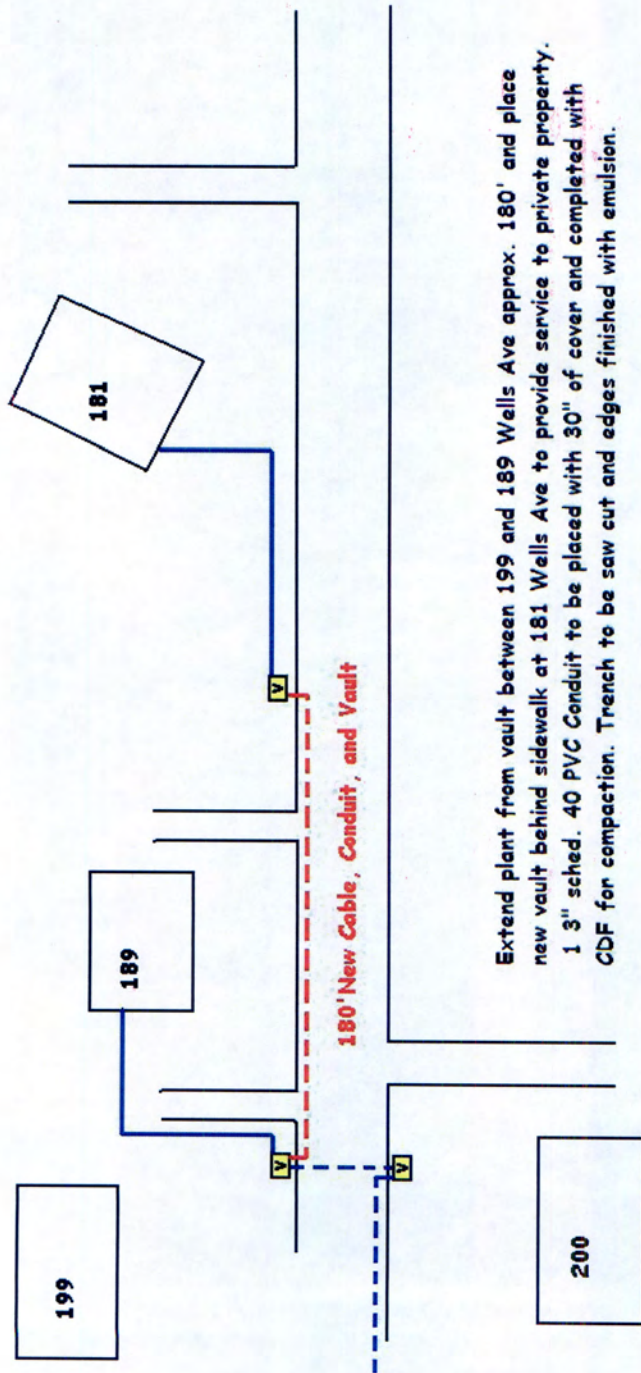
- 1. 30" minimum cover on all trenches
- 2. Backfill shall be 95% compaction
- 3. Bituminous concrete roadway shall be replaced in kind to City of Newton Specifications
- 4. Bituminous concrete sidewalk shall be replaced in kind and grade to City of Newton Specifications
- 5. Granite curb shall be replaced, flared and or reinstalled to original grade to City of Newton Specifications
- 6. Traffic shall be maintained

IV. RECOMMENDATION TO PUBLIC FACILITIES COMMITTEE:

[Signature]
Commissioner, Public Works

3/29/2011
Date





Extend plant from vault between 199 and 189 Wells Ave approx. 180' and place new vault behind sidewalk at 181 Wells Ave to provide service to private property. 1 3" sched. 40 PVC Conduit to be placed with 30" of cover and completed with CDF for compaction. Trench to be saw cut and edges finished with emulsion.

Construction questions should be directed to Rich Ferrucci Outside Plant Engineer © 617-279-1864

Final Label Report

#86-11

SBL	Owner	Number	Street	Unit
84034 0002H	SLD WELLS LLC	159	WELLS AVE	
84034A0004	WRP REALTY INC TR	160	WELLS AVE	
84034 0002N	JWD WELLS AVE LLC	177	WELLS AVE	
84034A0003	180 WELLS REALTY LLC	180	WELLS AVE	
84034 0002S	EAST-WEST ENTERPRISES CO LTD	181	WELLS AVE	
84034 0002T	WRP REALTY INC TR	189	WELLS AVE	
84034A0002	RJ WELLS MANAGEMENT LLC	200	WELLS AVE	



DEPARTMENT OF PUBLIC WORKS

OFFICE OF THE COMMISSIONER

1000 Commonwealth Avenue
Newton Centre, MA 02459-1449

Setti D. Warren
Mayor

December 14, 2010

To: David Olson, City Clerk
From: Thomas E. Daley, Commissioner of Public Works
Subject: Request to Docket Item for the Public Facilities Committee regarding Relocation and Discontinuance of City Easements within the Chestnut Hill Square Development Area

10 DEC 14 P 1:31
CITY CLERK
NEWTON, MA. 02459

Dear Mr. Olson,

Please place the following matter on the Board of Aldermen docket for consideration by the Public Facilities Committee:

That the City of Newton relocate certain water and drain utility easements and interests (“the Remaining Easements”) and utility lines (“the Utility Lines”) within the Chestnut Hill Square development area, and to discontinue certain water and drain utility easements and interests (“the Old Easements”) within the Chestnut Hill Square development area, all as identified on the plan entitled Easement Relocation Plan, Boylston Street and Florence Street, Newton, Mass dated November 30, 2010, prepared by Harry Feldman, Professional Land Surveyor.

The Commissioner of Public Works has determined that it is desirable and in the public interest to relocate and discontinue these easements. The easement plan shall be recorded at the Middlesex South Registry of Deeds, and/or the Middlesex South Registry District of Land Court, as applicable, by NED Chestnut Hill Square LLC.

Thank you for your attention regarding this matter.

cc: Shawna Sullivan, Clerk’s Office
Dave Turocy, Deputy Commissioner
Lou Taverna, City Engineer
Robert Waddick, Law Department

CITY OF NEWTON
ENGINEERING DIVISION

MEMORANDUM

To: Ald. Sydra Schnipper, Facilities Committee Chair.

From: John Daghlian, Associate City Engineer

Re: Chestnut Hill Square ~ Relocation & Discontinuance of City Easements

Date: March 31, 2011

CC: Ouida Young, Associate City Solicitor (via email)
Lou Taverna, PE Director of Utilities (via email)
Shawna Sullivan, Associate City Clerk (via email)

In reference to the above location, the following are my comments for a plan entitled:

*Easement Relocation Plan
Boylston Street and Florence Street
Prepared By: Feldman Professional Land Surveyors
Dated: November 30, 2010
Revised: 2/22/11
3/14/11*

Executive Summary:

The intent of the request by the applicant and plan is to relocate existing City owned water main, discontinue the old easement and grant the City two new 20' wide Water Easements. These new water pipes will reinforce the pressure for this neighborhood by creating continuous looped system and enhancing water quality. In addition the applicant is granting a new Storm Drain Easement for an existing 36" reinforced concrete drain pipe [for which the City did not have an easement] that traverses the property as shown on the above reference plan.

In concert with the above, an abandonment of a various Rezoning Restriction(s) agreement(s) is requested; (no buildings within 80-feet, building to be razed); a Building Line (80-foot setback restriction) along Boylston Street; an Agreement for Grading & Slope easements along Florence Street. Finally a confirmation of a discontinuance of a portion of Florence Street that remains on the site is requested.

This site was approved for new development via Special Permit approved by the Board of Alderman Order #214-10. The applicants are funding 100% of the installation cost of all new and relocated City owned Utilities.

In summary, the City Engineer recommends favorable approval of the various relocation of City owned utilities and their respective easements; and the abandonment of the various Rezoning Restrictions & Agreements previously imposed upon this site along Boylston & Florence Streets.

Additional Conditions:

1. The final Easement Plan will need all easement to be properly delineated with magnetic bearings and distance. The plan shall be in a format acceptable to the Middlesex Registry of Deeds; a Mylar and electronic copies shall be submitted to the City Engineer.
2. Once the easement is recorded at the Middlesex Registry of Deeds a certified copy of the recording instrument shall be submitted to the City Engineer.
3. All water, sanitary sewer, and storm drains shall be pressure and/or vacuum tested, and video inspected in accordance to the City Engineer prior to final acceptance. These tests shall be witnessed by the DPW, and final written reports and videos shall be submitted to the City Engineer.
4. In the portion of the new drainage easement that traverses under the proposed building the easement is necked down to 18-feet which is acceptable provided that the 36" reinforced concrete pipe is either sleeved within a Ductile Iron casing or is bridged with reinforced concrete so that the building is not bearing directly on the drain pipe; details of this crossing shall be worked out with the applicant's Engineer of Record.
5. Ultimately a final Approval Not Required Plan (ANR Plan) is needed that compiles all the various lots into one single lot for the entire site.

If you have any questions or concerns please call me at 617-796-1023.



Timothy W. Sullivan
tsullivan@goulstonstorrs.com
(617)574-4179 Tel
(617) 574-7872 Fax

December 9, 2010

VIA OVERNIGHT DELIVERY

Linda Finucane
City of Newton
1000 Commonwealth Avenue
Newton, MA 02459-1449

10 DEC 10 P 1:17
CITY CLERK
NEWTON, MA 02159

Re: Chestnut Hill Square - Easement Relocation and Discontinuance Plan

Ms. Finucane:

On behalf of NED Chestnut Hill Square LLC, we are pleased to submit the enclosed copies of the Easement Relocation and Discontinuance Order and Plan for the Chestnut Hill square Project. This shall serve as our application to the Board of Aldermen for the relocation and/or abandonment (pursuant to Condition 28 of the Special Permit/Site Plan Approval granted by Board Order 214-10(2)) of a series of waterline, drain and grading easements and other rights related to existing buildings that must be reconfigured in connection with the Project.

It is our understanding that, prior to consideration by the full Board, the Public Facilities Committee will conduct a public hearing on this application (and all matters requested therein). Accordingly, we respectfully request that the City Clerk docket this application for the Board of Aldermen's December 20th meeting so that the Board may refer this application (and all matters requested therein) to the Board's Public Facilities Committee.

Please contact us with any questions.

Sincerely,

Timothy W. Sullivan

Enclosures

cc: Alexandra Ananth (w/o encs.)
William R. Cronin, Jr. (w/o encs.)
John E. Twohig, Esq. (w/o encs.)

2030819

EASEMENT RELOCATION AND DISCONTINUANCE

WHEREAS, the City of Newton (the "City") acting by and through its Board of Aldermen has determined that it is desirable and in the public interest to relocate certain easements and interests (the "Remaining Easements") and utility lines (the "Utility Lines") and to discontinue certain easements and interests (the "Old Easements") as the same are identified on that certain plan entitled "Easement Relocation Plan" prepared by Feldman Professional Land Surveyors dated August 2, 2010 and recorded herewith (the "Easement Relocation Plan").

WHEREAS, the Board of Aldermen of the City of Newton voted on or before the date hereof to execute, deliver and record this instrument.

IT IS NOW ADJUDGED, ORDERED AND DECREED, for the common convenience and necessity, as follows:

- A. The City hereby grants NED Chestnut Hill Square LLC and its successors, assigns and designees ("NED") the right to relocate the Remaining Easements and Utility Line(s) to the locations shown on the Easement Relocation Plan upon the recording/filing by NED of a notice of relocation referencing this instrument in the Middlesex South Registry of Deeds or the Middlesex South Registry District of Land Court, as applicable.
- B. The Old Easements are hereby discontinued and abandoned and the City hereby releases to NED all of its right, title and interest in and to the Old Easements.
- C. NED shall have the right from time to time hereafter to further relocate the Remaining Easements and any other easements and utility lines within the lots shown on the Easement Relocation Plan, at NED's sole cost and expense, and to construct buildings or other improvements on any such easement and/or line.

10 DEC 10 1 P 1:17
CITY CLERK
NEWTON, MA. 02159

IN WITNESS WHEREOF, we the following members of the City of Newton Board of Aldermen have caused these presents to be signed in the name and behalf of the City of Newton on this _____ day of _____, 20__.

CITY OF NEWTON BOARD OF ALDERMEN

Attested to be a true copy:

City Clerk

Date: _____, 20__



PART I ADMINISTRATION OF THE GOVERNMENT (Chapters 1 through 182)
TITLE XIV PUBLIC WAYS AND WORKS
CHAPTER 82 THE LAYING OUT, ALTERATION, RELOCATION AND DISCONTINUANCE OF PUBLIC WAYS, AND SPECIFIC REPAIRS THEREON
Section 37 Building lines

Section 37. If a city by its city council or a town accepts this section or has accepted corresponding provisions of earlier laws, a building line not more than forty feet distant from the exterior line of a highway or town way may be established in the manner provided for laying out ways, and thereafter no structures shall be erected or maintained between such building line and such way, except steps, windows, porticos, other usual projections appurtenant to the front wall of a building, embankments, walls, fences and gates, to the extent prescribed in the vote establishing such building line, and except that any structure existing at the time of the establishment of the building line may be permitted to remain and to be maintained to such extent and under such conditions as may be prescribed in the vote establishing such building line. Whoever sustains damage thereby may recover the same under chapter seventy-nine. A building line established under this section may be discontinued in the manner provided for the discontinuance of a highway or town way. Whoever sustains damages by the discontinuance of a building line may recover the same under chapter seventy-nine.

Easement Relocation and Discontinuance Plan Summary

(Relocated Water Main)

1. **Water Main Easement** (Book 8873 Page 382) – The Petitioner is requesting that this Easement to enter the property to lay, make, repair and maintain water mains. This Easement will be relocated from its current location (labeled as “1” on the attached plan) to the area shown as Water Line Easements “A” and “B”. This relocation was reviewed and approved by the City and the City’s peer review consultant during the Chestnut Hill Square (the “Project”) special permit process.

(Previous Rezoning Restriction for 1950’s Buildings Being Razed)

2. **Agreement** (Book 9750 Page 185) – The Petitioner is requesting that the City abandon this Agreement by and between the City and the prior property owner of the parcel labeled as parcel 82002 0014 on the attached plan. The Agreement created the following property restrictions in exchange for a previous rezoning:
 - a. No buildings within 80 feet of Route 9;
 - b. Total area occupied by buildings must be less than 10,000 sf; and
 - c. Maintenance of certain parking ratios.

This Agreement should be abandoned because it conflicts with the proposed development program for the Project, which was reviewed and approved by the Board of Aldermen and was for a building to be razed.

(Previous Rezoning Restriction for 1950’s Buildings Being Razed)

3. **Building Line** (Book 7848 Page 354) – The Petitioner is requesting that the City abandon the 80 foot building setback line along Route 9 as established by Board Order #100483, dated December 3, 1951. This Building Line should be abandoned because it conflicts with the proposed building locations for the Project, including the streetscape Building C, which were reviewed and approved by the Board of Aldermen, and was for a building to be razed.

(Relocated Water Main)

4. **Easement Taking** (Book 8761 Page 121)– The Petitioner is requesting that the City abandon the easement taken by Board Order #570-56 for the purposes of laying, making, repairing and maintaining a water main. This easement should be abandoned because it is no longer necessary due to the relocation of the Water Main to the area shown as Water Line Easements “A” and “B” on the attached plan.

(Previous Rezoning Restriction for 1950’s Buildings Being Razed)

5. **Agreement** (Book 8440 Page 151) – The Petitioner is requesting that the City abandon this Agreement by and between the City and the prior property owner of the parcels labeled as parcels 82002 0015 and 82002 0015B on the attached plan. The Agreement created the following property restrictions/obligations in exchange for a previous rezoning:
 - a. Construction of an access service road parallel to Route 9;
 - b. No buildings within 80 feet of Route 9;

- c. Installation of drainage;
- d. No structure within area of proposed Florence Street widening; and
- e. Payment for Florence Street sewer.

This Agreement should be abandoned because it conflicts with the proposed development program for the Project, which was reviewed and approved by the Board of Aldermen and relates to buildings to be razed.

- (Relocated
Drain/Sewer Line)
6. **Easement Taking** (Book 9714 Page 111) – The Petitioner is requesting that the City abandon the easement taken by Board Order #835-60(2) for the purposes of laying, making, repairing and maintaining a main drain and sewer. This easement should be abandoned because it is no longer necessary due to the completion of the main drain and sewer and the new easement to be provided for the area shown as Drain Line “C” on the attached plan.
- (Relocated Water
Main)
7. **Easement** (Book 7229 Page 497) – The Petitioner is requesting that the City abandon the easement granted on December 16, 1947 for laying a water main in Hammell Place. This easement should be abandoned because it is no longer necessary due to the relocation of the Water Main to the area shown as Water Line Easements “A” and “B” on the attached plan and the building on Hammell Place no longer exists.
- (Florence Street
Connection to
Hammell Place)
8. **Discontinuance** (Book 11805 Page 3) – The Petitioner is requesting that the City confirm the discontinuance of a portion of Florence Street that arguably remains on the site. The discontinuance of this small remaining piece of right-of-way should be confirmed because it was shown on a plan but erroneously omitted from the legal description contained in Board Order #56-70.
- (Relocated Drain
Line)
9. **Drain Line** – The Petitioner is requesting that the drain line labeled as “9” on the attached plan be relocated to the area shown as Drain Line “C” with an easement provided to the City. This relocation was reviewed and approved by the City and the City’s peer review consultant during the Project special permit process.
- (Florence Street
Slope)
10. **Easement Taking** (Book 8761 Page 104) – The Petitioner is requesting that the City abandon the easement taken by Board Order #229-56 to slope or bank on land adjoining for the support of Florence Street. This easement should be abandoned because it is no longer necessary due to the completion of Florence Street construction.
- (Florence Street
Grading)
11. **Agreement** (Book 1894 Page 66) – The Petitioner is requesting that the City abandon the Agreement regarding grading for Florence Street. This agreement should be abandoned because it is no longer necessary due to the completion of Florence Street construction.

LEGEND:

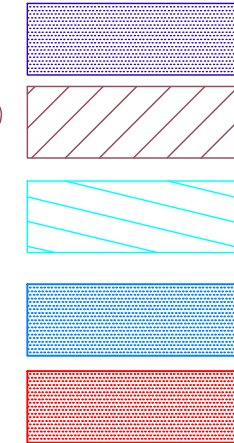
- SQ. FT. SQUARE FEET
- N/F NOW OR FORMERLY
- MHB MASS. HIGHWAY BOUND
- CB CONCRETE BOUND
- SB STONE BOUND
- DH DRILL HOLE
- CH CHORD
- LEN LENGTH
- BRG BEARING
- FND FOUND
- REC RECORD
- TYP TYPICAL

ABANDONED RIGHTS AND EASEMENTS

NOTE: 1 AND 9 ARE BEING ABANDONED WITH NEW EASEMENTS GRANTED PER GRANT OF EASEMENT RECORDED WITH THE MIDDLESEX SOUTH DISTRICT REGISTRY OF DEEDS HEREWITH

COLOR LEGEND:

- ① ORIGINAL WATERLINE EASEMENT TO BE RELOCATED
- ② AGREEMENT RE: RESTRICTIONS FOR BUILDING TO BE RAZED
- ③ 80' BUILDING SETBACK LINE TO BE ABANDONED
- ④ WATER MAIN EASEMENT TO BE ABANDONED
- ⑤ AGREEMENT RE: RESTRICTIONS FOR BUILDING TO BE RAZED
- ⑥ EASEMENT FOR SEWER AND DRAIN TO BE ABANDONED
- ⑦ 6' WIDE EASEMENT TO BE ABANDONED
- ⑧ PORTION OF FORMER FLORENCE STREET FOR CONFIRMATORY DISCONTINUANCE
- ⑨ ORIGINAL DRAIN LINE (36") TO BE RELOCATED TO C
- ⑩ FLORENCE STREET RIGHT TO SLOPE AND BANK TO BE ABANDONED
- ⑪ FLORENCE STREET GRADING EASEMENT TO BE ABANDONED



RESERVED FOR REGISTRY USE

PROPERTY REFERENCES

BOOK	1894	PAGE	497
	3665		308
	7228		042
	7229		497
	7288		236
	7609		144
	7609		143
	7726		387
	7848		354
	8440		151
	8485		367
	8482		466
	8761		104
	8761		121
	8784		599
	8873		385
	8895		455
	9426		164
	9471		009
	9750		185
	9532		517
	9714		111
	9714		112
	9932		459
	10031		532
	10976		165
	11518		490
	11805		003
	11888		096
	11888		098
	13057		475
	13057		477
	16939		END
	17029		303
	17834		421
	18639		360
	18639		365
	19929		505
	21523		482
	28651		049
	30387		384
	31004		065
	31009		604
	31010		1,3,5,7,9
	46904		531
	47516		494

PLAN NO. 31 OF 1940
1882 OF 1947
1229 OF 1950
447 OF 1951
8 OF 1952
836 OF 1955
1110 OF 1956
1315 OF 1956
2106 OF 1956
88 OF 1957
1175 OF 1959
1537 OF 1959
1979 OF 1959
1731 OF 1960
1663 OF 1961
566 OF 1962
183 OF 1970
909 OF 1970
1022 OF 1976
522 OF 1986
1464 OF 1987

CERTIFICATE OF TITLE: 168405
184555
LAND COURT PLAN NO.: 12828
36780

CITY OF NEWTON FLORENCE STREET LAYOUT NO. 33941
COMM. OF MASS. APRIL 15, 1932 LAYOUT BOYLSTON STREET
CITY OF NEWTON FLORENCE STREET RELOCATION,
ALTERING, AND WIDENING. NO. 34721

DATE	REVISIONS TO EASEMENT TEXT, LEGENDS AND NOTE
3/14/2011	EASEMENTS A & B REVISED, DRAINLINE EASEMENT C ADDED
2/22/2011	

EASEMENT RELOCATION PLAN BOYLSTON STREET AND FLORENCE STREET NEWTON, MASS

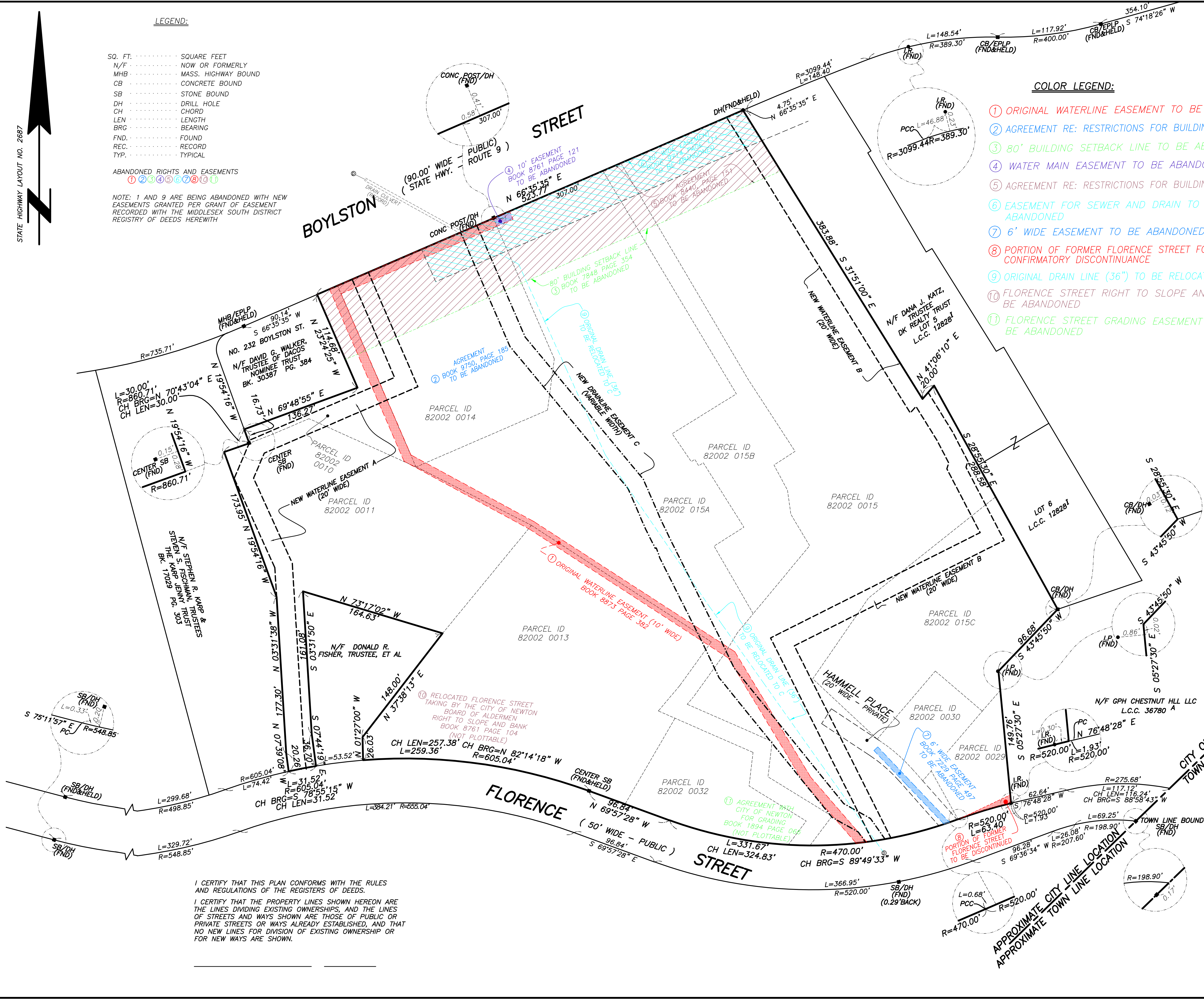
SCALE: 1"=50'
HARRY R. FELDMAN, INC.
112 SHAWMUT AVENUE
BOSTON, MASS. 02118

NOVEMBER 30, 2010
LAND SURVEYORS
PHONE: (617)357-9740
www.harryfeldman.com

FELDMAN
Professional Land Surveyors



RESEARCH	FIELD CHIEF	CHECKED	APPROVED	FILE NAME
AJA	JM			12826-N-EASE-Revise7.dwg
CALC	BLH	FIELD CHECKED	CRD FILE 10543	JOB NO. 12526



I CERTIFY THAT THIS PLAN CONFORMS WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS.
I CERTIFY THAT THE PROPERTY LINES SHOWN HEREON ARE THE LINES DIVIDING EXISTING OWNERSHIPS, AND THE LINES OF STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED, AND THAT NO NEW LINES FOR DIVISION OF EXISTING OWNERSHIP OR FOR NEW WAYS ARE SHOWN.

STATE HIGHWAY LAYOUT NO. 2687

Exc. 11

88873 Pa 382

DEC 14 5 51 AM 09206 00412-4-53

We, the undersigned, for consideration paid, grant to the City of Newton, in the County of Middlesex and Commonwealth of Massachusetts, with quitclaim covenants, the right to enter upon and lay, make, repair and maintain ~~water mains~~ ~~sewer mains~~ ~~gas mains~~ ~~electric lines~~ in land in said city bounded and described as follows:

Beginning at a point in the southerly line of Boylston Street distant 89.00 feet southwesterly from the intersection of said southerly line of Boylston Street with the division line between lands of L. S. K. Realty Corp. and Reva Gluck & Bessie Kriensky; thence southeasterly 10.00 feet; thence southwesterly 157.77 feet, the last described line being parallel to and distant 10.00 feet southeasterly from the southeasterly line of Boylston Street, the last two described lines being over said land of L. S. K. Realty Corp.; thence southwesterly 206.50 feet over land of L. S. K. Realty Corp.; thence more westerly 155.00 feet over said land of L. S. K. Realty Corp. and over land of Reva Gluck & Bessie Kriensky, the last described line being parallel to and distant 5.00 feet northeasterly from the division line between said land of Reva Gluck et al and lands of Arthur B. Stanley & Darwin J. Bone, Trs.; thence more southerly 270.00 feet, the last described line being parallel to and distant 5.00 feet northeasterly from the division line between said land of Reva Gluck et al and land of Vincenzo Lalli & Angelina Lalli; thence more southerly 165.00 feet; thence more northerly 110.00 feet; thence westerly 13.00 feet by the northerly line of Florence Street; thence northeasterly 135.00 feet, the last described line being parallel to and distant 10.00 feet southwesterly from the seventh described line; thence more northerly 165.00 feet, the last described line being parallel to and distant 10.00 feet southwesterly from the sixth described line, the last six described lines being over said land of Reva Gluck et al; thence more westerly 266.00 feet over said land of Reva Gluck et al and over land of Vincenzo Lalli & Angelina Lalli, the last described line being parallel to and distant 10.00 feet southwesterly from the fifth described line; thence more westerly 160.00 feet over said land of Vincenzo Lalli et al and over land of Arthur B. Stanley & Darwin J. Bone, Trs., the last described line being parallel to and distant 10.00 feet northwesterly from the fourth described line; thence more northerly 213.00 feet over said land of Arthur B. Stanley et al Trs., the last described line being parallel to and distant 10.00 feet southwesterly from the third described line; thence northeasterly 161.77 feet by the southeasterly line of Boylston Street over said lands of Arthur B. Stanley et al Trs. and L. S. K. Realty Corp. to the point of beginning.

2106

SEE PLAN IN BUILDING BOOK 88873 PAGE 382

Boy

A

61

Bx 8873 P-989

The above described premises are shown on a plan signed by the city engineer of said city, dated May 23, 1956, and recorded with the engineering department of said city as plan No. 34353, and a copy of said plan is to be recorded with Middlesex South district deeds.

We hereby, for ourselves, our heirs, executors, administrators, successors, and assigns, covenants and agree to and with the grantee its successors and assigns, that we and those claiming under us will not do any act to interfere with the laying, making, repair and maintenance of said ~~water main~~ ^{water main} and we, our heirs, executors, administrators, successors, and assigns, will make no claim for damages by reason of any work done by said city in connection therewith, will place no building or structures in or upon said premises, and will not place, or allow to be placed by any person or corporation other than said city, any other pipes or conduits in said premises.

We release to said city all rights of dower and homestead or an estate by the curtesy and other interests therein.

Witness our hands and a common seal this 14th day of June, 1956.



L.S.K. REALTY CORPORATION
BY: Lawrence Kaufman TREAS.
Alan Shuster
Bevise Kriensky
Burton B. Shuster
Sincero Galli
Angelina Galli

Middlesex Commonweath of Massachusetts ss. June 12 1956

Then personally appeared the above named Bevise Kriensky

and acknowledged the foregoing instrument to be her free act and deed, before me,

My commission expires
January 9, 1960

Thomas J. McLaughlin
Justice of the Peace

2

BK 9750 Pg 185

5.1.0
7.5.
7.1.0

MN 24-61 PM 04:05 ZOSRE ***7.60

A G R E E M E N T

THIS AGREEMENT made this *sixteenth* day of January, 1961, by L.S.K. REALTY CORPORATION, a Massachusetts corporation with its principal office at 1330 Beacon Street, Brookline, Norfolk County (hereinafter called the Owner) and the CITY OF NEWTON, a municipal corporation duly established under the laws of the Commonwealth of Massachusetts and situated in Middlesex County in said Commonwealth (hereinafter sometimes called the City),

W I T N E S S E T H:

WHEREAS the Owner has presented to the Board of Aldermen of the City a petition for a change of zoning under the Zoning Ordinance of said City of certain land situated between Boylston Street and Florence Street in said City, being Lot 5E, Section 63, Block 30, on the Assessors Atlas, and containing 42,036 square feet,

WHEREAS a public hearing on said petition has been held before the Claims & Rules Committee of said Board of Aldermen and the Planning Board of said City of Newton; and

WHEREAS said Claims & Rules Committee has voted that the change of zone be recommended to the Full Board only upon certain terms and conditions deemed by it necessary to adapt said premises to proper use as Business A property in view of the nature of the premises and its location with respect to adjoining

HK 9750 Pa 186

-2-

premises and streets and utilities,

NOW, THEREFORE, the Owner, in consideration of the premises, hereby covenants and agrees, for itself, its successors and assigns, with the said City of Newton, its successors and assigns, but if and only if the said change of zone shall be adopted, as follows:

1. That no buildings shall be erected upon the said property of the Owner, or any property adjacent thereto that they may hereafter acquire so as to provide a common frontage on Boylston Street and which may be zoned for business or manufacturing within a distance of eighty (80) feet southerly of the present southerly line of said Boylston Street measured at right angles thereto.

2. That the total land area occupied by all buildings and structures erected, altered, placed or maintained upon the said property of the Owner shall not exceed 10,000 square feet.

3. That the Owner shall provide on its said property parking facilities consisting of one parking space for each 200 square feet of the total first floor area of all buildings erected, altered, placed or maintained on the said property, and one parking space for each 500 square feet of the total floor area above the first floor of such buildings. The term "parking space" shall be deemed to mean an area adequate for parking an automobile containing not less than 200 square feet exclusive of aisles and turning spaces and maintained solely for parking purposes.

IN WITNESS WHEREOF the said L.S.K. REALTY CORPORATION has caused its corporate seal to be hereto affixed and these presents to be signed, acknowledged and delivered in its name and behalf

HK 9750 Pa 187

-3-

by Louis S. Koufman, its Treasurer hereto duly authorized, the day and year first above written.

L.S.K. REALTY CORPORATION

By: *[Signature]*
Treasurer



COMMONWEALTH OF MASSACHUSETTS

Norfolk SS.

January 16, 1961

Then personally appeared the above-named Louis S. Koufman and acknowledged the foregoing instrument to be the free act and deed of L.S.K. Realty Corporation, before me,

[Signature]

BK 9750 Pg 188

CLERK'S CERTIFICATE

January 12, 1961

I, Clinton N. Koufman, hereby certify that I am the duly elected and qualified Clerk of L.S.K. Realty Corporation, a Massachusetts corporation, and that at a meeting of the Directors of L.S.K. Realty Corporation, duly called and held at the offices of Peabody, Koufman & Brewer, 53 Beacon Street, Boston 8, Massachusetts, at ten o'clock in the forenoon on the twelfth day of January, 1961, at which all of said Directors were present and acting throughout, it was unanimously

VOTED: that the Treasurer be authorized and empowered to execute and deliver to the City of Newton an agreement, a copy of which is attached hereto which relates to certain restrictions in the proposed construction of a building on the property of the corporation on Boylston Street, Newton, being Lot 5E, Section 63, Block 30, on the Assessors Atlas of the City of Newton.

I further certify that Louis S. Koufman is the Treasurer of the L.S.K. Realty Corporation as of this date and that the agreement, the copy of which is attached hereto, is the agreement referred to in the aforesaid vote.

-2-

I further certify that the foregoing vote has not been amended or rescinded, and is now in full force and effect.

Clinton N. Koufman
Clerk




#100483
(2)

No. of Certificates	Vol.	Page
43183	289	85
60179	402	201

Which said building line is hereby laid and established and of Aldermen, belongs to the following named persons:

- Ma Preller
- once M. Buck & Ralph V. Orrill Trustees
- of J. Egan & Alice L. Egan
- the Di'Ercole & Maria Giuseppe Di'Ercole
- Di'Ercole
- Di'Erblatt
- by Manufacturing Company
- John R. Gilman & Constance K. Gilman
- and P. Stanley
- Gluck & Bessie Kriensky
- the Onofrio & Antonia Onofrio
- It. Cert. #43183 Book 289 Page 85)
- Wendick & Selma Nathan
- It. Cert. #60179 Book 402 Page 201)
- and Pond Parkway Village, Inc.

of the land over which said building line has been
laid from the passage of this order to take off
property which may be within said building line
by directed forthwith to give notice hereof to



 EXECUTIVE DEPARTMENT
 Approved..... December 5, 1951
 Clerk. THEODORE R. LOCKWOOD Mayor.

A True Copy
 Attesty

 City Clerk of New York, New York

BOYLSTON

STREET

S63 B30 L6
S63 B30 L58
Stanley Burgess

Bo. 00

Ruth Cimerblatt

S63 B30 L5c

Reva Gluck and Bessie Kriensky

783.70

S63 B30 L7

Agostino B30 L9
Anofrio
Anofrio
(Registered land)
Cert. No. 43183
Bk. 289 Pg. 25

S63 B30 L11
Elysi Melnick
Selma Nahhan
(Registered land)
Cert. No. 60179
Bk. 402 Pg. 201
A. 2
R. 1

BOYLSTON

STREET

S63 B30 L11
Nick B30
Stanley L11
Red Land
0.60179
Pg. 201

R. 1760.30

A. 235.95

S63 B30 L13

425.00

354.10

24.00

S63 B30 L14

R. 55.00

Hammond

Pond Parkway Village, Inc.

HAMMOND PARKW.



34353
T-43

8761/121

4

MR -3-56PU 03:57 381RE ***3.80
#570-56

CITY OF NEWTON
IN BOARD OF ALDERMEN

Rx 8761 Pg 121

JUNE 25, 1956

WHEREAS, in the opinion of the Board of Aldermen of the CITY OF NEWTON, it is necessary for the public convenience and the public health that a ~~water main~~ ~~water main~~ shall be laid, made, repaired and maintained through

PRIVATE LAND (southerly side of Boylston Street)

~~East of Florence Street~~

~~and~~

and that land be taken therefor as shown on the plan signed by the City Engineer of said city, dated May 7, 1956 and recorded with the Engineering Department of said city, as plan No. 34353 and as hereinafter described, and

WHEREAS, said board has appointed a time for a public hearing and has caused a notice thereof and of its intention in the matter to be given as required by the general laws relating to town ways, and

WHEREAS, said hearing has been held, it is therefore

ORDERED, That an assessment in the following described parcel of land, as shown on said plan, be and the same hereby is taken for the purpose of laying, making, repairing and maintaining ~~said water main~~ ~~said water main~~

DESCRIPTION OF LAND TAKEN

Beginning at a point in the southerly line of Boylston Street distant 40.00 feet westerly from the intersection of said southerly line of Boylston Street with the division line between lands of L. S. K. Realty Corporation and Reva Gluck & Bessie Kriensky; thence easterly 60.00 feet by the southerly line of Boylston Street and over said lands of L. S. K. Realty Corporation and Reva Gluck & Bessie Kriensky; thence southerly 10.00 feet over said land of Reva Gluck et al; thence westerly 60.00 feet over said lands of Reva Gluck et al and L. S. K. Realty Corporation, the last described line being parallel to and distant 10.00 feet southerly from the first described line; thence northerly 10.00 feet over said land of L. S. K. Realty Corporation to the point of beginning.

The following are the names of the persons whose property has been taken or who may be otherwise entitled to damages on account of the taking of the above parcel of land, so far as known to the Board of Aldermen.

L. S. K. Realty Corporation

Reva Gluck & Bessie Kriensky
Stop & Shop Inc., Mtgee.

And said Board of Aldermen do assess and award as the damages sustained by the following persons respectively in their property by the taking of their land for the purposes of laying, making, repairing and maintaining said water main the amounts set against their names.

	Amounts
L. S. K. Realty Corporation	none
Reva Gluck & Bessie Kriensky Stop & Shop Inc., Mtgee.	none

110. 8761/121
121
JUN 25 1956
148
1111

City of Deeds, So. Dist.
BRIDGE, MASS.
1110 of 1956
1956 at 3.45 PM
Singing
Newton

3761 Page 121

Sam B. Brainerd Register

47

EX 8791 Pg 122

#570-56

And it is further ORDERED, that the trees upon and structures affixed to said land are not taken, and that the owners of said land taken as aforesaid be allowed thirty days from the passage of this order to take off trees or structures which may obstruct the building of said water main.

Under suspension of rules adopted
19 Yeas 2 Absent
(Ald. Anderson & Ripley Absent)

EXECUTIVE DEPARTMENT
Approved, June 27.....1956

(sgl) Howard Whitmore, Jr., Mayor

(sgl) Monte G. Basbas City Clerk

(sgl) Earls D. Wood Chairman of Committee on Finance

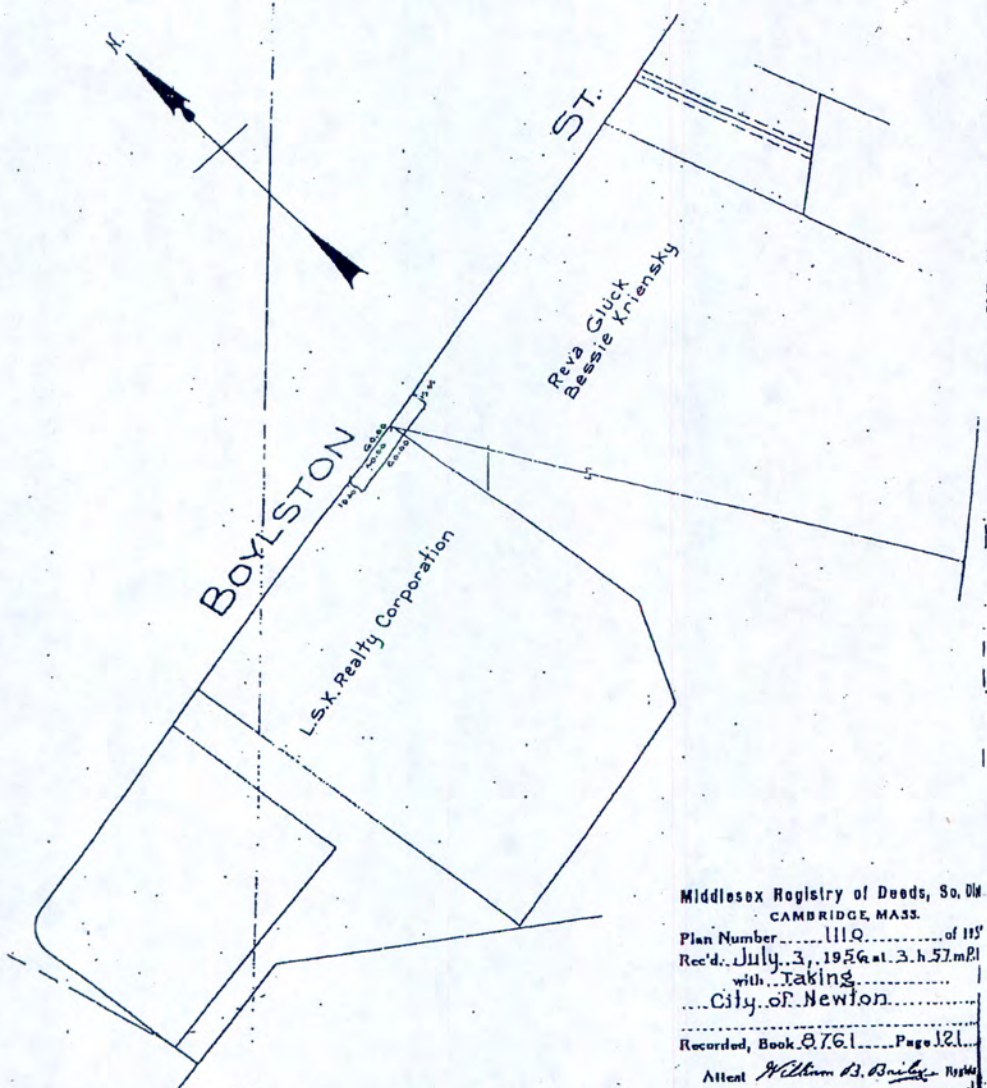
A TRUE COPY
ATTEST: *Monte G. Basbas*
Monte G. Basbas
CITY CLERK OF NEWTON, MASS.

34353
1-43

8761-121

CITY OF NEWTON
MASSACHUSETTS
Private Land
Southernly Side of Boylston Street
East of Florence Street
Land taken for Water Main
Scale: 40' to an inch May 7, 1956
U. M. Schiavone City Engineer

(Original on file.)
(Scale of this plan: 1 in. = 60 ft.)



Middlesex Registry of Deeds, So. Div.
CAMBRIDGE, MASS.

Plan Number 1110 of 115
Rec'd. July 3, 1956 at 3.45 PM
with taking
City of Newton

Recorded, Book 8761 Page 121

Attest William B. Bradley Register

BOOK

8440

PAGE

151

84:0pm 5: APR 4 1955 REC. Y W + M CLK 10:50

THIS AGREEMENT, made this 26th day of March, 1955, by REVA GLUCK of Brookline, Norfolk County, Massachusetts, and BESSIE KRIENSKY of Boston, Suffolk County, Massachusetts, (together hereinafter sometimes called the Owners), with the CITY OF NEWTON, a municipal corporation duly established under the laws of the Commonwealth of Massachusetts and situated in Middlesex County in said Commonwealth (hereinafter sometimes called the City),

WITNESSETH:

that:

WHEREAS the Owners have presented to the Board of Aldermen of the City a petition for a change of zoning under the Zoning Ordinance of said City of certain land situated between Boylston Street and Florence Street in said City, as shown on a plan entitled "Plan to Accompany Petition for Change of Zone, Land in Newton, Massachusetts. January 24, 1955", from private residence zone to Business A zone, being the land outlined with a heavy black boundary on said plan; and

WHEREAS a public hearing on said petition has been held before the Claims & Rules Committee of said Board of Aldermen and the Planning Board of said City of Newton; and

WHEREAS said Claims & Rules Committee has voted that the change of zone be recommended to the Full Board only upon certain terms and conditions deemed by it necessary to adapt said premises to proper use as Business A property in view of the nature of the premises and its location with respect to adjoining premises and streets and utilities,

NOW, THEREFORE, the Owners, in consideration of the premises, hereby covenant and agree, for themselves, their heirs, executors, administrators and assigns, with the said City of Newton, its successors and assigns, but if and only if the said

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D. J. ...

BOOK
8440
PAGE
152

change of zone shall be adopted, as follows:

1. They will at their own expense construct an access or service road along substantially the entire frontage of their said property on Boylston Street and parallel with said Boylston Street, and entering from Boylston Street on both ends in accordance with plans heretofore approved by the Department of Public Works of the Commonwealth of Massachusetts, with such modifications as may hereafter be approved by said Department of Public Works; and further that if they shall acquire any additional frontage on Boylston Street adjacent to their said property they will extend such access or service road to cover substantially all of such additional frontage. Construction of such access road along the maximum portion of their frontage that is acceptable to the said Department of Public Works shall be deemed a compliance with the provisions of this Paragraph 1.

2. If at any time hereafter the said City or the Commonwealth of Massachusetts shall construct an access or service road parallel to Boylston Street over adjacent property to the said property of the Owners, or any additional property hereafter acquired by them adjacent thereto, the said City or the Commonwealth, as the case may be, shall have the right to connect such road with the access road constructed by the Owners pursuant to Paragraph 1, so as to make one continuous access road, and, to the degree necessary to make such connection, to extend and to construct such access road over the property of the Owners (such connection to be of no greater width than the owners' then existing access road) all without paying any damages therefor.

3. That no buildings shall be erected upon the said property of the Owners, or any property adjacent thereto that they may hereafter acquire so as to provide a common frontage on Boylston Street and which may be zoned for business or manufacturing

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within a distance of eighty (80) feet southerly of the present southerly line of said Foylston Street measured at right angles thereto.

4. That they will at their own expense lay all necessary drainage lines within the limits of their said property for the proper draining of the same, connecting the same into the street drain hereinafter mentioned in this paragraph, and will further pay the cost of a street drain (if constructed by the City) commencing in Florence Street approximately opposite the end of Hammett Place as shown on the plan aforesaid and thence running westerly along said Florence Street to Louise Road, and southerly along Louise Road to private land, and across said private land to the Newton-Brookline line, provided that they shall not be required to pay any portion of the cost of such street drain in excess of \$8,500, such payment to be made upon completion thereof.

5. That they will erect no structures upon their said property, or upon any property adjacent thereto which they may hereafter acquire so as to provide a common frontage on Florence Street, within the limits of the proposed widening of said Florence Street, as shown on a plan entitled "Florence Street, Foylston Street to Brookline Line, Newton Engineering Department, May 1944", on file with the office of the City Engineer of said Newton, and that they hereby waive all right to damages which may hereafter arise by reason of any taking which may hereafter be made for the widening of said Florence Street as shown on said last-mentioned plan.

6. That they will pay one-half the cost of a sewer (if constructed by the City) in said Florence Street extending from the westerly end of the frontage on said street of their present property, as shown on said first-mentioned plan, easterly along

BOOK
8440
PAGE
154

Florence Street to the Newton-Brookline line, provided that such payment shall in no event exceed the sum of \$7,500, such payment to be made upon completion thereof. Such payment shall be in lieu of all sewer assessments upon the said property of the Owners as shown on said first-mentioned plan, but shall not include the cost of connection into said sewer from said property, which cost shall be borne by the owners.

IN WITNESS WHEREOF the said Reva Gluck and Bessie Kriensky have hereunto set their hands and seals the day and year first above written, Intending this instrument to take effect as a sealed instrument.

Reva Gluck
Bessie Kriensky

COMMONWEALTH OF MASSACHUSETTS

Suffolk, ss.

March 26, 1955

Then personally appeared the above-named *Bessie Kriensky* and *Reva Gluck* and acknowledged the foregoing instrument to be their free act and deed, before me,

Alfred Lerner
Notary Public
My Commission Expires July 3, 1959

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Gene
with
Bessie
West
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#835-60(2)

CITY OF NEWTON
IN BOARD OF ALDERMEN

October 17, 1960

WHEREAS, in the opinion of the Board of Aldermen of the CITY OF NEWTON, it is necessary for the public convenience and the public health that a main drain and common sewer severally shall be laid, made, repaired and maintained through PRIVATE LAND Boylston Street (southerly side) west of Hammond Pond Parkway ~~from~~ westerly

xx

and that land be taken therefor as shown on the plan signed by the City Engineer of said city, dated September 12, 1960 and recorded with the Engineering Department of said city, as plan No. 35472 and as hereinafter described, and

WHEREAS, said board has appointed a time for a public hearing and has caused a notice thereof and of its intention in the matter to be given as required by the general laws relating to town ways, and

WHEREAS, said hearing has been held, it is therefore ORDERED, That an easement in the following described parcel of land, as shown on said plan, be and the same hereby is taken for the purpose of laying, making, repairing and maintaining said main drain and common sewer.

DESCRIPTION OF LAND TAKEN

Beginning at a point in the southeasterly line of Boylston Street at the northeasterly tangent point of a curve of 400.00 feet radius in said southeasterly line of Boylston Street at land of Chestnut Hill Hotel, Inc.; thence southwesterly 259.71 feet over said land of Chestnut Hill Hotel, Inc. and over land of I. Goodman Co.; thence by a curve to the left in a southwesterly direction of 3059.44 feet radius, 146.49 feet over said land of I. Goodman Co. and over land of Milton Goodman; thence southwesterly 400.00 feet over said land of Milton Goodman and over lands of Stop and Shop, Inc. Lessee, Reva Gluck and Bessie Kriensky, Reva Gluck and Bessie Kriensky and L. S. K. Realty Corp., the last described line being parallel to and distant 40.00 feet southeasterly from the southeasterly line of Boylston Street; thence northwesterly 40.00 feet over said land of L. S. K. Realty Corp.; thence northeasterly 400.00 feet over said lands of L. S. K. Realty Corp., Reva Gluck and Bessie Kriensky, Stop and Shop, Inc. Lessee, Reva Gluck and Bessie Kriensky and Milton Goodman; thence by a curve to the right in a northeasterly direction of 3099.44 feet radius, 148.40 feet over said land of Milton Goodman and over said land of I. Goodman Co.; thence by a curve to the right in a northeasterly direction of 389.30 feet radius, 148.54 feet over said land of I. Goodman Co. and over said land of Chestnut Hill Hotel, Inc.; thence by a

A portion of the above described parcel is registered land. The numbers of the certificates, volume and page in which said certificates are registered in the records for registered land for the southern district of Middlesex County and the owners of said parcels over which an easement in said land is taken for the purposes of a main drain and common sewer, are as follows:

Owners	No. of Certificate	Vol.	Page
Milton Goodman	94812	604	62
	94813	604	63
I. Goodman Co.	83504	547	154

The following are the names of the persons whose property has been taken or who may be otherwise entitled to damages on account of the taking of the above parcel of land, so far as known to the Board of Aldermen; and said Board of Aldermen do assess and award as the damages sustained by the following persons respectively in their property by the taking of their land for the purposes of laying, making, repairing and maintaining said main drain and common sewer, the amounts set against their names.

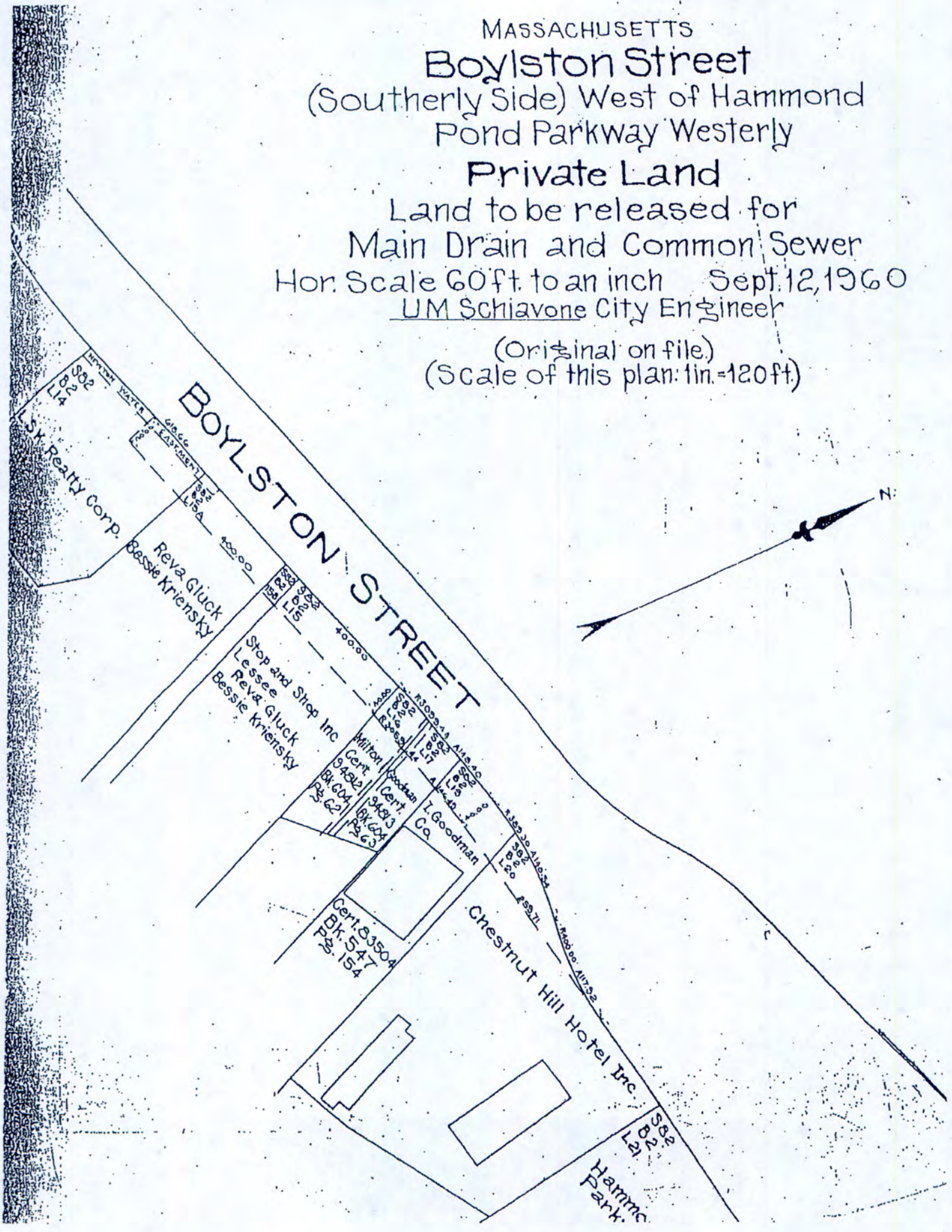
NAMES	AMOUNTS
L. S. K. Realty Corp.	None
Reva Gluck & Bessie Kriensky Newton Savings Bank, Mtgee.	None
Stop and Shop, Inc. Lessee Reva Gluck & Bessie Kriensky Newton Savings Bank, Mtgee.	None
Milton Goodman (Ld.Ct.Cert.#94812 Book 604 Page 62) (Ld.Ct.Cert.#94813 Book 604 Page 63) Agostino Onofrio, Mtgee.	None
I. Goodman Co. (Ld.Ct.Cert.#83504 Book 547 Page 154) Brookline Savings Bank, Mtgee.	None
Chestnut Hill Hotel, Inc. The Provident Institution for Savings in the Town of Boston, Mtgee.	None

MASSACHUSETTS
Boylston Street
(Southerly Side) West of Hammond
Pond Parkway Westerly

Private Land

Land to be released for
Main Drain and Common Sewer
Hor. Scale 60ft. to an inch Sept. 12, 1960
UM Schiavone City Engineer

(Original on file)
(Scale of this plan: 1in.=120ft)



Bk 9714 Po 113

#835-60(2)
Page 3

And it is further

ORDERED, that the trees upon and structures affixed to said land are not taken, and that the owners of said land taken as aforesaid be allowed thirty days from the passage of this order to take off trees or structures which may obstruct the building of said main drain and said common sewer.

And it is further

ORDERED, that the sum of Sixteen Thousand Dollars (\$16,000.00), to be taken from sewer and drain loans, be and is hereby appropriated subject to Sixty Thousand Dollars (\$60,000.00) being contributed by others before construction.

And it is further

ORDERED, that the sum of Seventy-six Thousand Dollars (\$76,000.00) (consisting of the above mentioned appropriation of Sixteen Thousand Dollars (\$16,000.00) and the contribution of Sixty Thousand Dollars (\$60,000.00) be and the same is hereby appropriated, granted and expenditure authorized for the construction of said main drain and said common sewer to be charged to the drain and sewer construction account, provided, however, that said sum shall include the value of all materials taken from stock on hand. This expenditure is authorized under the provisions of Order No. 755-58(2) approved August 4, 1958.

Under Suspension of Rules
Readings Waived & Adopted
22 Yeas 2 Absent
(Ald. Merrill & Morang Absent)

EXECUTIVE DEPARTMENT
Approved October 19, 1960

(Sgd) MONIE G. BASBAS City Clerk

(Sgd) DONALD L. GIBBS Mayor

(Sgd) EARLE D. WOOD Chairman of Committee
on Finance

A True Copy
Attest:
Earle D. Wood
City Clerk of Newton, Mass.

497

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G&K02438



CITY OF NEWTON
Water Department

RELEASE

Know all Men by these Presents

That, Whereas, It is proposed that the City of Newton shall lay water pipes in.....
Hammell Place, Ward 6, unadopted street -----

Now, Wherefore, in consideration that the said City shall lay its said water pipes in said
Private Way-----
to the following point, to wit: For laying water main in Hammell Place northwesterly
from Florence St. for a distance of approximately 140 feet. We the under-
signed-----

do hereby give, grant and convey unto the said City of Newton the right to enter and dig up the
earth and to remove rocks and stones in and on said premises to such depth and width as may be
proper or necessary for the convenient laying of said pipe or pipes, and to lay said pipe or pipes
therein, and do and perform all acts which may become convenient or necessary in said laying; also
the right to maintain and replace said pipe or pipes in said premises so long as the City shall con-
tinue to furnish water through the same or others laid in the place of the same; also the right to
enter on said premises to examine said pipes and to repair the same and to do and perform all acts
which may be necessary and convenient for the maintenance and repair and replacing of said pipe
or pipes for the period aforesaid.

And for the consideration aforesaid...do covenant and agree with said City of Newton
that...will not do any act to interfere with the laying, maintenance or repair of said pipes,
nor permit or allow, without authority from the City Council of said City of Newton, any other
person or persons or corporation to enter or dig up the soil of said premises within three feet each
side of said pipes, or to place or maintain within said limits therein any sewer or drain or other
pipe or pipes whatever.

And for the consideration aforesaid...do covenant and agree to hold harmless the said
City of Newton from any claim or claims for damages to...property, real or personal, by
reason of any digging or blasting performed by the said City or its agents or servants. The said

Commonwealth of Massachusetts

Middlesex, ss.

Newton, Dec 11, 1947

Then personally appeared the above named Lydia A. Brewer and acknowledged the foregoing instrument to be his free act and deed before me.

Edward F. Knobel Justice of the Peace
Notary Public

Rec'd & entered for record Dec. 16, 1947 at 8h. 53m. A.M. #28

Wakefield Savings Bank holder of a mortgage

From Peroy S. Hinckley

to Wakefield Savings Bank dated November 8, 1916

recorded with Middlesex South District Deeds

Book 4096 Page 435 acknowledges satisfaction of the same.

In witness whereof the said WAKEFIELD SAVINGS BANK has caused its corporate seal to be hereto affixed and these presents to be signed, in its name and behalf by A. Maurice Anderson its Treasurer this 30th day of October A. D. 1947

Wakefield Savings Bank
by

A. Maurice Anderson
Asst. Treasurer



SEP 10 10 PM 1970

BK 11888 26086 DISCONTINUANCE OF STREET TAKING 27-PO

#56-70

CITY OF NEWTON

IN BOARD OF ALDERMEN

February 3, 1970

WHEREAS, in the opinion of the Board of Aldermen of the City of Newton, the public necessity and convenience require that a portion of

FLORENCE STREET

northerly side at #111

should be discontinued as a public street or way as shown on a plan signed by the City Engineer of said city, dated November 11, 1969 and recorded with the Engineering Department of said city as Plan No. 37189 and as hereinafter described, and for that purpose it is necessary to discontinue the parcel of land hereinafter described and

WHEREAS, said board has appointed a time for a public hearing and has caused a notice thereof and of its intention in the matter to be given as required by general law relating to town ways, and

WHEREAS, said hearing has been held, it is therefore ORDERED, that said portion of FLORENCE STREET be and the same is hereby discontinued as a public street or way of the City of Newton as shown on said plan.

DESCRIPTION OF LAND DISCONTINUED

Beginning at a point on the northerly street line of Florence Street as laid out March 2, 1776 at the easterly lot line of land of Frank J. D'Innocenzo and Antonina M. D'Innocenzo; thence S. 87° 20' 52" E., 77.50 feet to the northerly street line of Florence Street as relocated by the City of Newton June 27, 1946 under order 1229-561 thence by a curve to the left in a westerly and southeasterly direction of 605.04 feet radius, 159.31 feet; thence by a curve to the right in a southwesterly direction of 498.05 feet radius, 19.44 feet, the last two described lines being by said relocated line of Florence Street; thence N. 17° 20' 04" W., 1.71 feet to said northerly street line of Florence Street as laid out March 2, 1776; thence northeasterly 97.62 feet by land of Jenny Manufacturing Co.; thence continuing northeasterly 36.24 feet by land of Burgess S. Stanley and Arthur B. Stanley, Trs.; thence southeasterly 57.50 feet by said land of Frank J. D'Innocenzo et al, to the point of beginning, the last three described lines being the northerly line of Florence Street as laid out March 2, 1776 as aforesaid.

The following are the names of the persons whose property has been discontinued or who may be otherwise entitled to damages on account of the discontinuance of the above parcel of land so far as known to the Board of Aldermen and said Board of Aldermen, do assess and award as the damages sustained by the following persons the amounts severally set against their names.

NAME	AMOUNT
Jenny Manufacturing Company	None

#56-70

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of J. D'Innocenzo
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BK11888 PC097

#56-70

NAME	AMOUNTS
Arthur D. Stanley & Burgess P. Stanley, Trs. (Newton Savings Bank, Mtgeo.)	None
Frank J. D'Innocenzo & Antonina M. D'Innocenzo (Newton Savings Bank, Mtgeo.)	None

Under Suspension of Rules
Readings Halved & Approved
20 Days & Absent Absent
Ald. Carmon, Sacke, Seall
and Sullivan

EXECUTIVE DEPARTMENT

Approved February 5, 1970

(Sgd) Joseph H. Karlin City Clerk (Sgd) Monte G. Dambros Mayor

A True Copy
Attest
Joseph H. Karlin
City Clerk of Newton, Mass.



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Bx 8761 Pg 104

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#222-56

CITY OF NEWTON

IN BOARD OF ALDERMEN

June 25, 1956

WHEREAS, in the opinion of the Board of Aldermen of the City of Newton, the public necessity and convenience require that FLORENCE STREET

from Brookline Line
to Boylston Street

should be ~~located, altered and widened~~ ~~relocated, altered and widened~~ and the grade therefor established as shown on plan and profile signed by the City Engineer of said city, dated March 5, 1956

and recorded with the Engineering Department of said city as plan and profile No. 33941 and as hereinafter described, and for that purpose it is necessary to take the parcel of land hereinafter described, and

WHEREAS, said board has appointed a time for a public hearing and has caused a notice thereof and of its intention in the matter to be given as required by general law relating to town ways, and

WHEREAS, said hearing has been held, it is therefore ORDERED, that said FLORENCE STREET

be and the same is hereby ~~relocated, altered and widened~~ ~~relocated, altered and widened~~ and the grade therefor established under the ~~provisions of~~ ~~provisions of~~ General Law ~~relating to town ways,~~ ~~relating to town ways,~~ as a public street or way of the City of Newton, as shown on said plan and profile; and it is further

ORDERED, that an easement in the following described parcel of land, with right to slope or bank on land adjoining for support of street, be and the same are hereby taken for said public street or way.

DESCRIPTION OF LAND TAKEN

Beginning at a point in the boundary line between the City of Newton and the Town of Brookline distant 0.64 feet southwesterly from a stone bound in said boundary line between the City of Newton and the Town of Brookline; thence southwesterly 68.60 feet across Florence Street and over land of Elizabeth McGarty; thence by a curve to the left in a westerly and southwesterly direction of 470.00 feet radius, 171.50 feet over said land of Elizabeth McGarty; thence by a curve to the right in a southwesterly, westerly, and northwesterly direction of 520.00 feet radius, 366.95 feet over said land of Elizabeth McGarty, over land of Herbert L. Bornstein & Bertha Bornstein, across Louise Road and over lands of George L. Milgroom & Estelle S. Milgroom, Jerry Spector & Josephine L. Spector, Saul Efrenson & Edith Efrenson, the estate of Guiseppe Spazano and George A. Haynes & Mauds Haynes; thence northwesterly 96.84 feet over said land of George A. Haynes et al and over land of Vincenzo Lalli & Angelina Lalli; thence by a curve to the left in a northwesterly, westerly and southwesterly direction of 555.04 feet radius, 384.21 feet over said land of Vincenzo Lalli et al, over land of George Lalli & Adelaide M. Lalli and over other land of Vincenzo Lalli & Angelina Lalli and over land of Louis I. Guernelli & Rose L. Guernelli; thence by a curve to the right in a southwesterly, westerly and northwesterly direction of 548.85 feet radius, 329.71 feet over said land of Louis I. Guernelli et al, over land of estate of Guiseppe Spazano and over lands of William J. Federico, Anna M. McGuire, Dorothy Davis & Ezzena M. Federico and Joseph Kosow, Gus E. Brown, Leo Allen, Joseph M. Linsay & Leo Kosow; thence northwesterly 254.80 feet over said land of Joseph Kosow et al; thence by a curve to the right in a northwesterly direction of 795.49 feet radius, 325.76 feet over said land of Joseph Kosow et al, over land of Jack Bennett & Bernice S. Bennett, across Tanglewood Road and over

1104
SEE PLAN IN RECORD BOOK 2147 PAGE 104

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Bk 8761 Pg 105

lands of Phyllis G. Engstrom and Victoria Pignatelli & Bruna A. Pignatelli; thence northwesterly 764.23 feet over said land of Victoria Pignatelli at and over lands of James Dunne & Ensa V. Dunne and Robert B. Seltzer; thence by a curve to the left in a northwesterly direction of 305.50 feet radius, 100.87 feet over said land of Robert B. Seltzer and over lands of Fiorangalo Gasbarri and Estate of James F. Kerrigan; thence by a curve to the left in a northwesterly and westerly direction of 59.35 feet radius, 39.35 feet over said land of estate of James F. Kerrigan, the last ten described lines being by the proposed new southwesterly line of Florence Street; thence easterly 161.77 feet across Florence Street and by the southerly line of Boylston Street as laid out as a state highway by the Department of Public Works, April 13, 1932 in accordance with Chapter 81 of the General Laws as amended; thence by a curve to the left in a westerly, southerly and southeasterly direction of 15.00 feet radius, 15.57 feet over land of Sophia J. Jablonski; thence southeasterly 270.03 feet over said land of Sophia J. Jablonski and over land of Florence M. Buck, the last described line being parallel to and distant 50.00 feet northeasterly from the ninth described line; thence by a curve to the left in a southeasterly direction of 745.49 feet radius, 305.28 feet over said land of Florence M. Buck and over land of Benjamin Fastov; thence southeasterly 254.80 feet over said land of Benjamin Fastov, the last described line being parallel to and distant 50.00 feet northeasterly from the seventh described line; thence by a curve to the left in a southeasterly, easterly and northeasterly direction of 498.85 feet radius, 200.68 feet over said land of Benjamin Fastov and over land of Jenney Manufacturing Company; thence by a curve to the right in a northeasterly, easterly and southeasterly direction of 605.04 feet radius, 418.82 feet over said land of Jenney Manufacturing Co. and over lands of Arthur B. Stanley & Darwin J. Bone, Trs., Frank J. D'Innocenzo & Antonina M. D'Innocenzo and Vincenzo Lalli & Angelina Lalli; thence southeasterly 96.84 feet over said land of Vincenzo Lalli et al and over land of Florence M. Buck, the last described line being parallel to and distant 50.00 feet northeasterly from the fourth described line; thence by a curve to the left in a southeasterly, easterly and northeasterly direction of 470.00 feet radius, 331.67 feet over said land of Florence M. Buck and over land of Reva Gluck & Bessie Kriensky and across Hammett Place, thence by a curve to the right in a northeasterly, easterly and southeasterly direction of 520.00 feet radius, 238.19 feet over said land of Reva Gluck et al and over lands of Norman Whiteford and Mary J. Sullivan to the point of beginning, the last nine described lines being by the proposed new northeasterly line of Florence Street.

The following are the names of the persons whose property has been taken or who may be otherwise entitled to damages on account of the taking of the above parcels of land, so far as known to the Board of Aldermen.

Elizabeth McCarty
 Brookline Co-operative Bank, Mtgee.
 Herbert L. Bornstein & Bertha Bornstein
 Boston Federal Savings & Loan Assoc., Mtgee.
 George L. Milgrom & Estelle S. Milgrom
 Boston Federal Savings & Loan Assoc., Mtgee.
 Mardelli Construction Co. Inc., Mtgee.
 Jerry Spector & Josephine L. Spector
 Suffolk Savings Bank for Seamen & Others, Mtgee.
 Saul Effenson & Edith Effenson
 Boston Federal Savings & Loan Assoc., Mtgee.
 Mardelli Construction Co. Inc., Mtgee.
 George A. Haynes & Maude Haynes
 Brookline Co-operative Bank, Mtgee.
 Vincenzo Lalli & Angelina Lalli
 George Lalli & Adelaide M. Lalli
 Brookline Savings Bank, Mtgee.

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#729-56 (3)

- Estate of Guiseppe Spezzano
- Gaetano Spezzano
- Charles Spezzano
- Joseph Spezzano
- Louis Spezzano
- Angelo Spezzano
- Anthony Spezzano
- Josephine Jackson
- Mary Bellino
- Newton Savings Bank, Mtgee.
- Louis I. Guernelli & Rose L. Guernelli
- Newton Centre Savings Bank, Mtgee.
- William J. Federico, Anna M. McGuire, Dorothy Davis, Teresa M. Federico
- The Horace C. Juegens Industrial Fund, Mtgee.
- Joseph Kosov, Gus R. Brown,
- Leo Allen, Joseph M. Lindsay
- Leo Kosov
- A Co-partnership
- Pilgrim Trust Co., Mtgee.
- Industrial Finance Co. Inc., Mtgee.
- Jack Bennett & Bernice S. Bennett
- The Provident Institution for Savings in the Town of Boston, Mtgee.
- Phyllis G. Eggstrom
- Boston Penny Savings Bank, Mtgee.
- Victoria Fignatelli & Bruno A. Fignatelli
- Newton Centre Savings Bank, Mtgee.
- James Dunne & Easa V. Dunne
- Newton Centre Savings Bank, Mtgee.
- Robert B. Seltzer
- Albert Seltzer & Martin Seltzer, Mtgee. ✓
- Newton Savings Bank, Mtgee.
- Fiorangela Gaabbarri
- Newton Centre Savings Bank, Mtgee.
- Estate of James F. Kerrigan
- Sophia J. Jablonski
- Newton Savings Bank, Mtgee.
- Florence M. Buck
- Benjamin Fastov
- Ld. Ct. Cert. 87135, Bk. 565, Pg. 185.
- Benjamin Fastov
- Marshall B. Dalton, Amos J. Hollingsworth, Everett Morse, Trustees, Mtgee.
- Jenney Manufacturing Company
- Arthur H. Stanley & Darwin J. Done, Trustees
- Frank J. D'Innocenzo & Antonina M. D'Innocenzo
- Vicenzo Lalli & Angelina Lalli
- Florence M. Buck
- Newton-Waltham Bank and Trust Co., Mtgee.
- Reva Gluck & Dessis Kriensky
- Ston & Shop Inc., Mtgee.
- Norman Whiteford
- Newton-Waltham Bank & Trust Co., Mtgee.

Mary J. Sullivan

And said Board of Aldermen do assess and award as the damages sustained by the following persons the amounts severally set against their names:

- Mama
- Elicabeth McCarty
- Brookline Co-operative Bank, Mtgee.
- Herbert L. Bornstein & Bertha Bornstein
- Boston Federal Savings & Loan Assoc., Mtgee.

Amount
\$ 253.66

none

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Rk 8761 Pg 107
#229-56 Amounts (4)

<u>Index</u>	
George L. Milgroom & Estelle S. Milgroom	
Boston Federal Savings & Loan Assoc., Mtgee.	none
Mardelli Construction Co., Inc., Mtgee.	
Jerry Spector & Josephine L. Spector	
Suffolk Savings Bank for Seamen & Others, Mtgee.	none
Saul Effanson & Edith Effanson	
Boston Federal Savings & Loan Assoc., Mtgee.	none
Martelli Construction Co., Inc., Mtgee.	
George A. Haynes & Maude Haynes	
Brookline Co-operative Bank, Mtgee.	30.21
Vincenzo Lalli & Angelina Lalli	120.87
George Lalli & Adelaide M. Lalli	238.60
Brookline Savings Bank, Mtgee.	
Estate of Guiseppe Spazzano	
Gastano Spazzano	none
Charles Spazzano	
Joseph Spazzano	
Louis Spazzano	
Angelo Spazzano	
Anthony Spazzano	
Josephine Jackson	
Mary Bellino	
Newton Savings Bank, Mtgee.	
Louis I. Guarnelli & Rose L. Guarnelli	none
Newton Centre Savings Bank, Mtgee.	
William J. Federico, Anna M. McGuire, Dorothy Davis, & Teresa M. Federico	none
The Horace Cousens Industrial Fund, Mtgee.	
Joseph Kosow, Gus H. Brown,	
Leo Allen, Joseph M. Lindsay & Leo Kosow	none
A co-partnership	
Pilgrim Trust Co., Mtgee.	
Industrial Finance Co. Inc., Mtgee.	
Jack Bennett & Bernice S. Bennett	none
The Provident Institution for Savings in the Town of Boston, Mtgee.	
Phyllis G. Engstrom	none
Boston Penny Savings Bank, Mtgee.	
Victoria Pignatelli & Bruno A. Pignatelli	15.91
Newton Centre Savings Bank, Mtgee.	
James Dunne & Enea V. Dunne	45.06
Newton Centre Savings Bank, Mtgee.	
Robert E. Seltzer	139.58
Albert Seltzer & Martin Seltzer, Mtgee.	
Newton Savings Bank, Mtgee.	
Fiorangelo Garbarri	
Newton Centre Savings Bank, Mtgee.	3.32
Estate of James F. Kerrigan	none
Sophie J. Jablonski	89.22
Newton Savings Bank, Mtgee.	
Flora M. Duce	23.05
Benjamin Jastov	29.87
Ld. Ct. Cert. 87135, Bk. 565, Pg. 185.	
Benjamin Jastov	46.62
Marshall B. Dalton, Amos J. Hollingsworth & Everett Norris, Trs., Mtgee.	
Jenny Manufacturing Company	426.87
Arthur B. Stanley & Darwin J. Bone, Trustees	none
Frank J. D'Innocenzo & Antonina M. D'Innocenzo	none
Vincenzo Lalli & Angelina Lalli	none
Florence M. Bask	none
Newton Waltham Bank & Trust Co., Mtgee.	160.10

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Rosa Gluck & Bessie Kriensky	\$229-56	144.13
Stop & Shop Inc., Mtges.		
Norman Whiteford		none
Newton-Waltham Bank & Trust Co., Mtges		none
Mary J. Sullivan		none
		<u> </u>
		\$ 1763.97

And it is further ORDERED, that the trees upon and structures affixed to said land are not taken and that the owners of said land taken as aforesaid be allowed thirty days from the passage of this order to take off trees or structures which may obstruct the building of said street or way.

EXECUTIVE DEPARTMENT

Under suspension of rules
Read and adopted,
19 Yeas 2 Absent
(Ald. Anderson, and Ripley
Absent)

Approved..... June 27.....1956

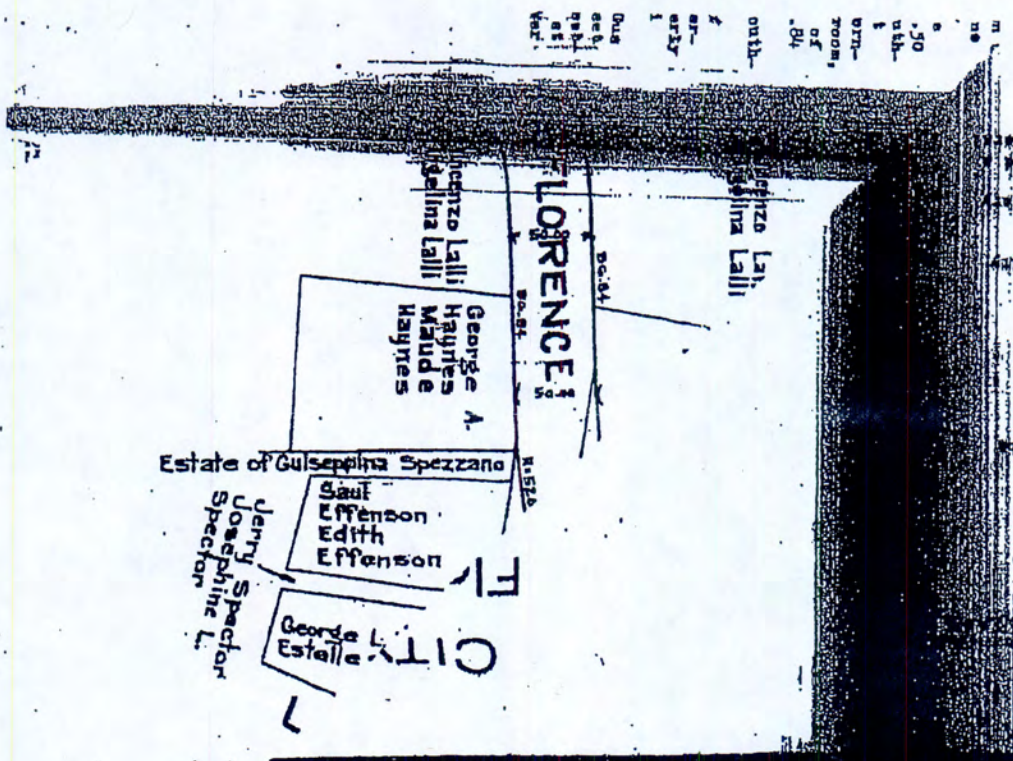
(sgd) Howard Whittemore, Jr., Mayor

(sgd) Monte G. Babas, City Clerk

(sgd) Earle D. Wood, Chairman of
Committee on Finance

A TRUE
 AIT AT
Monte G. Babas
 CITY CLERK OF NEWTON, MASS.

42



Middlesex Registry of Deeds, Ss. Dist.
 CAMBRIDGE, MASS.
 File Number 1104 (CA083) of 1956
 Recd. July 3, 1956 at 3:15 PM
 with Order
 City of Newton
 Recorded, Book 8761 Page 104
 Attest William B. Rusk, Register.

1894

11

1894/66

Hammell and Nora Hammell hereunto set our hands and seals this fourth day of January in the year one thousand eight hundred and eighty nine George H. Hammell (Seal) Nora A. Hammell (Seal) Signed, sealed and delivered in presence of John A. Kennick, Stephen R. Rice. Commonwealth of Massachusetts, Middlesex ss. January 15th 1889. Then personally appeared the above named George H. Hammell and acknowledged the foregoing instrument to be his free act and deed before Isaac W. Kingsbury Justice of the Peace

Middlesex ss. Feb. 21. 1889. Recd. & Recorded. (1000 Chas. H. Stone) Rep.

The next sequelors instructed -

Sauerbach to City of Newton

Whereas, we, the undersigned, being owners respectively of land situated in Newton, in the County of Middlesex upon a way known as Florence street are willing that the said street by our respective estates shall be graded by the City of Newton to conform to the grade determined by red lines, on a profile recorded in the office of the City Engineer as profile 2901 a - Now therefore know all Men by these Presents, that we, the undersigned in consideration of the premises and of One Dollar to us paid by the City of Newton, the receipt whereof is hereby acknowledged, and for other good and valuable considerations, do hereby for ourselves, our heirs, executors, administrators and assigns, covenant and agree to make, no claim or demand whatever upon said City of Newton, for damages, costs, expenses or compensation for or on account of, or in any way growing out of the establishing the grade thereof at the grade shown on the profile hereinbefore referred to, if said City shall so grade the same - And for the above named consideration recited hereby severally give and grant unto the said City of Newton the right to slope or bank the filling where required for said grading upon our respective parcels of land adjoining the said way, and we do hereby, severally, for ourselves, our heirs, executors, administrators and assigns, covenant and agree to and with the said City of Newton that we will not, and they shall not, make or have any claim against said City for damages in consequence of the omission by said City to build or maintain a retaining wall, or bulkhead, to support such filling, or its omission

to build or maintain any of the said retaining wall, or bulkhead, to support the same, or to support the respective parcels in the same. We do hereby, severally, for ourselves, our heirs, executors, administrators and assigns, covenant and agree to and with the said City of Newton that we will not, and they shall not, make or have any claim against said City for damages in consequence of the omission by said City to build or maintain a retaining wall, or bulkhead, to support such filling, or its omission

Witnesses
William P. Morse
William P. Morse
Stephen R. Rice
Stephen R. Rice
Stephen R. Rice
Stephen R. Rice
Commonwealth of Massachusetts
I appeared the above-named George H. Hammell and Nora A. Hammell and acknowledged the foregoing instrument to be their free act and deed before Isaac W. Kingsbury Justice of the Peace.

land situated on Ward Four in the Auburn street shall be graded to conform to the grade shown on the profile hereinbefore referred to. Now by these Presents, we, the undersigned, do hereby, severally, for ourselves, our heirs, executors, administrators and assigns, covenant and agree to and with the said City of Newton that we will not, and they shall not, make or have any claim against said City for damages in consequence of the omission by said City to build or maintain a retaining wall, or bulkhead, to support such filling, or its omission

67
1894

our hands and
year one thousand
No. Hammell (seal)
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smallly appeared
acknowledged the
and deed before me

Recd. & Recorded
Chas B. Stevens Reg

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and assigns, cor
City of Newton
make or have any
consequence of the
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its omission

build or maintain such wall to support the banks on either
of the said way where cutting down is required for said grading
we do hereby, severally, for ourselves, our heirs, executors, administrators
assigns, further covenant and agree, not to remove, or permit to be
removed, by any person other than said City, any portion of the filling
erected or sloped upon our respective parcels of land adjoining the said
way in grading said way as aforesaid, until a retaining wall, or back
wall, to support said filling, shall be built upon the line of our
respective parcels adjoining said way. In witness whereof we have
set our hands and seals this 15th day of February in the
year eighteen hundred and eighty nine.

Witnesses
William P. Morse
William P. Morse
Stephen R. Rice
Stephen R. Rice
Stephen R. Rice
Stephen R. Rice

Witnesses
Daniel Sauer (seal)
Christina Sauer (seal)
George P. Hammell (seal)
Julius A. Hammell (seal)
G. H. Hammell (seal)
Nora A. Hammell (seal)

Commonwealth of Massachusetts, Middlesex ss Feb 17. 1889. Then personally
appeared the above named George A. Hammell and acknowledged the fore
going instrument to be his free act and deed before me, Isaac F. Kingsbury
Justice of the Peace. Middlesex ss Feb 21. 1889. Recd. & Recorded.
(true Chas B. Stevens Reg

Whereas, I the undersigned, being the owner of
and situated on Auburn street, in that part of Newton known as
Third Farm in the County of Middlesex am desirous that the said
Auburn street shall be widened by the City of Newton and graded so
as to conform to a plan hereinafter referred to. Now therefore, I do hereby
testify that I the undersigned in consideration of the sum
of One Hundred and Twenty Five dollars to me paid by the
City of Newton the receipt whereof is hereby acknowledged and for
the good and valuable considerations do hereby remise, release, and for
ever quitclaim to the said City of Newton and its assigns forever
all my right, title, interest and estate in and to a certain par
cel of real estate, lying in Newton on said Auburn
street, bounded and described as follows: Commencing
at a point in the northerly line of said Auburn
street at land now or late of Eliza C. Washburn
and from thence running westerly by said street
about 178 feet to the bridge over the Boston

Witnesses
to
City of
Newton

#214-04(3)&(4)

#214-10(4)

LEONE FRANK J JR & WILLIAM J TRS
P O BOX 877
ROCKPORT, ME 04856-0877

#214-10(4)

BLOOMINGDALES INC
7 WEST SEVENTH ST
CINCINNATI, OH 45202

#214-10(4)

KATZ DANA J TR
250 GRANITE ST
BRAintree, MA 02184

#214-10(4)

COHEN JULIAN & ROTHENBERG D TRS
P O BOX 6120
INDIANAPOLIS, IN 46206-6120

#214-10(4)

NED 220 BOYLSTON LLC
ONE WELLS AVE
NEWTON, MA 02459

#214-10(4)

THE MAY DEPARTMENT STORES CO
7 W SEVENTH ST
CINCINNATI, OH 45202

#214-10(4)

WALKER DAVID G TR
232 BOYLSTON ST
CHESTNUT HILL, MA 02467