

# Newton City Council



## Committee of the Whole Report

**Monday, February 22, 2016**

Present: Councilors Fuller (Acting Chair), Albright, Auchincloss, Baker, Blazar, Crossley, Danberg, Harney, Hess-Mahan, Kalis, Lappin, Laredo, Leary, Lennon, Lipof, Norton, Schwartz, and Yates

Absent: Councilors Brousal-Glaser, Ciccone, Cote, Gentile, Rice, and Sangiolo

City staff present: Diana Fisher Gomberg (School Committee Member), Ouida Young (Associate City Solicitor), and Maureen Lemieux (Chief Financial Officer/Chief of Staff)

### Referred to Public Facilities and Finance Committees

**#66-16**

#### **Authorization to purchase 23 Parkview Avenue for school use**

HIS HONOR THE MAYOR requesting authorization to purchase 23 Parkview Avenue, including trees and structures on the property, for the purpose of school use and further requesting authorization to one million ten thousand dollars (\$1,010,000) from bonded indebtedness for the Cabot School project to be used to fund the purchase of the property and associated recording fees. [02/09/16 @ 2:46 PM]

**Action: Committee of the Whole Approved 15-0-3 (Hess-Mahan, Schwartz, Yates abstaining)**

**Note:** Chief Financial Officer/Chief of Staff Maureen Lemieux presented the request for authorizations to acquire property at 23 Parkview Avenue for school use and bond \$1,010,000 for the expenses related to the acquisition of the property, including recording fees. The property abuts the Cabot Elementary School, which the City is reconstructing in the near future. Voters approved the funding for the reconstruction of the school as part of the debt exclusion override voted on March 12, 2012. The estimated cost of the project is \$45 million but the City anticipates that the Massachusetts School Building Authority (MSBA) will be awarding a minimum of \$10 million in grant funds to the City for the construction of the addition/renovation of the school. The City's budget for the project has always included \$3 million for offsite improvements, which includes the acquisition of property.

The Cabot Elementary School is a constrained site and it has always been the administration's hope to improve the site, possibly through the acquisition of property. The City contacted and met with the owners of the three properties that are adjacent the school site at the beginning of the project (see attached Assessor's database Map) to see if there was any interest in selling their properties. At that time, none of the owners were interested; however, Mr. and Mrs. Potter of 23 Parkview Avenue have since contacted the City to say that they would be interested in selling their property to the City. The City offered the owners \$1,000,000 for their property and associated rehousing and moving expenses and the owners agreed to and signed the attached

letter of intent outlining the offer from the City on February 5, 2016. The City is required to pay fair market value for the property and to pay rehousing and moving expenses pursuant to Massachusetts General Law Chapter 79A.

The City's assessed value of 23 Parkview is \$583,200 but that amount is based on the January 1, 2015 valuation of property. The real estate market has picked up since that valuation and many Newton properties are selling for substantially more than the assessed value. The property owners have also recently renovated the house. The City and property owner each had appraisals done to determine the current value of the property. The City's appraiser set a value of \$925,000 and the owners' appraiser set a value of \$970,000. After reviewing the appraisals and the law, the Administration felt that a \$1 million offer for the property and the rehousing/moving expenses was appropriate. The \$1 million dollars should be considered a flat fee without any additional compensation for the property and includes all other expenses that the property owners may incur like moving and relocation expenses. The Administration is also asking for an additional \$10,000 for the recording fees associated with the sale of property.

If the City has not closed on the property by April 15, 2016, it will assume responsibility for the mortgage payments. The Letter of Intent states that the property owners may continue to reside at the property through August 1, 2017 without paying rent, property taxes, or water/sewer charges but must provide the City access to the property for survey work, culvert repair, and testing. In addition, the property owners may remove any fixtures within the house or at the site before they move. Ms. Lemieux added that if the property owners wish to move the house to another lot, they could.

There has been no decision on exactly how the property would be incorporated into the Cabot School site plan but it opens up a number of opportunities, such as improvements to site circulation, more parking options, and less hardscape in and around the park. The attached PowerPoint slides show where the property is in relationship to the school and one possibility of how the property could be utilized as part of the site plan. The last slide depicts a cut through road in the rear of the school between Bridges Avenue, which is a one-way street, and Parkview Avenue; that cut through road would allow Parkview Avenue to remain partially open and eliminate the need for a turnaround. The Cabot School Building Committee and Design Review Committee are holding a community forum on March 2, 2016 to get public input on the site plan and traffic circulation on the site. The Administration wants public input before deciding exactly how the 23 Parkview Avenue property will be used..

Chief of Staff Maureen Lemieux completed the presentation by reiterating that the purchase of the property would be very beneficial to the Cabot School Elementary Project. Several councilors voiced their support of the project, as the purchase offers many opportunities to improve the site plan at a very constrained school site. In addition, the offer for the property is reasonable and fair, especially as the property owners are not required to sell their home to the City.

There was a concern that the Council was not provided with real estate price comparables that are usually part of property appraisals. The property next door to 23 Parkview sold for a little over \$1 million, the lot is more than twice the size, and the house is almost twice as large. Based on that, the City seems to be overpaying for 23 Parkview Avenue. Ms. Lemieux responded that the City has the comparables but did not want to put the full loan appraisals into the public record, as they contain personal information and pictures. She is happy to share the information on comparables with any Councilor that is interested.

There was interest in what the City would do with the house after the purchase if it were not relocated. It would be a shame if the house were demolished. There should be consideration of recycling whatever house materials are not removed by the property owners. It was suggested that, though it may not be feasible for this property, the City should consider developing a policy to offer buildings that are going to be demolished to other communities for affordable housing.

A question was raised regarding whether there was any negotiation of the price for the home if the property owners opted to relocate the house. It would seem that the City should pay less if the owners relocate the house. Ms. Lemieux explained that there was negotiation with the owners, as they wanted more than the \$1 million offered. It was also pointed out that the City has to offer fair market value for the property and relocation expenses as defined by general law. One of the ways the City met the owners' concerns regarding selling their property to the City was to allow them to take any fixtures that they might want from their newly renovated property. The relocation of the house is very speculative as costs of moving a house are prohibitive. The property owner would need to purchase a lot, install utilities, and build a foundation for the relocated home. In addition, if the City cannot find another place for the house and move it at a reasonable cost, it would be demolished.

Councilor Lipof moved approval of the acquisition of the property and the funding for the acquisition of the property. The Committee of the Whole voted 15 in favor, none opposed, and three abstentions to support the motion. Councilor Hess-Mahan previously stated that he would be abstaining on the vote because he wanted to see the comparables to be sure that both the City and the property owner are getting a fair deal.

Respectfully submitted;

Ruthanne Fuller, Chair

2/26/2016

# City of Newton

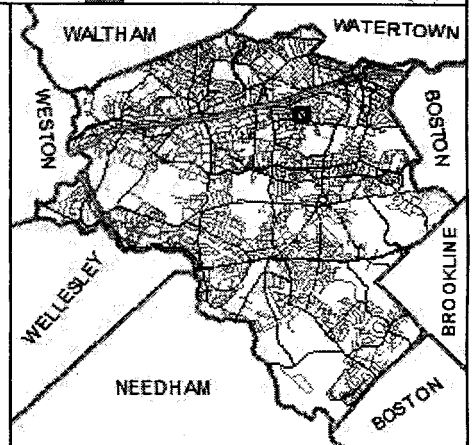


**Property ID:** 22008 0008  
**Address:** 229 CABOT ST  
**Owner:** CITY OF NEWTON



MAP FOR REFERENCE ONLY  
 NOT A LEGAL DOCUMENT

Because of different update schedules, current property assessments may not reflect recent changes to property boundaries. Check with the Assessors' Office to confirm boundaries uses at the time of assessment.



CITY OF NEWTON  
LAW DEPARTMENT  
INTEROFFICE MEMORANDUM

DATE: February 19, 2016  
TO: All Members, City Council  
FROM: Ouida C.M. Young, Associate City Solicitor  
RE: Acquisition of 23 Parkview Avenue for School Use  
Docket #66-16

\*\*\*\*\*  
  
\*\*\*\*\*

As part of the information being presented to the City Council meeting as a Committee of the Whole to consider acquisition of land abutting the Cabot Elementary School, I am transmitting executive summaries from two appraisals of 23 Parkview Avenue. The Owners of the property and the City each had appraisals made. The City used William J. Lanciloti d/b/a Suburban Appraisal Services, who set the value for the property at \$925,000.00. The Owners used Christine Zitso Jaques, who set the value for the property at \$970,000.00.

As you may recall, in addition to paying an owner the fair market value for real property acquired through either a purchase or an eminent domain taking, a governmental entity is also required in Massachusetts to compensate an owner for rehousing and moving expenses pursuant to G.L. c. 79A. These costs can be significant.

I am pleased to report that the Owners of 23 Parkview Avenue, Daphne and Alan Potter, have signed a Settlement Agreement with the City to acquire their property. The terms of that Agreement include all the points set out in the Letter of Intent signed by the parties earlier this month, a copy of which was filed with the Mayor's request for authorization to acquire this property. The Owners have agreed to accept \$1,000,000.00 as compensation for both their home and the rehousing/moving expenses they will incur.

Please call me if you have any questions. I will be attending the meeting on Monday evening.

Thank you.

**APPRAISAL OF REAL PROPERTY**

**LOCATED AT**

23 Parkview Ave  
Newton, MA 02460

South Middlesex County Registry of Deeds Book 36268 Page 454

**FOR**

City of Newton  
1000 Commonwealth Avenue  
Newton Centre, MA 02459

**AS OF**

01/22/2016

**BY**

William J. Lanciloti, Jr., SRA  
Suburban Appraisal Services  
727 Washington Street  
Newton, MA 02460  
(617) 969-3006  
suburbanappraisal@verizon.net

**SUMMARY OF SALIENT FEATURES**

<b>SUBJECT INFORMATION</b>	Subject Address	23 Parkview Ave
	Legal Description	South Middlesex County Registry of Deeds Book 36288 Page 454
	City	Newton
	County	Middlesex
	State	MA
	Zip Code	02460
	Census Tract	3734.00
	Map Reference	15764
<b>SALES PRICE</b>	Sale Price	\$ 0
	Date of Sale	
<b>CLIENT</b>	Client	City of Newton
	Appraiser	William J. Lanciloti, Jr., SRA
<b>DESCRIPTION OF IMPROVEMENTS</b>	Size (Square Feet)	1,701
	Price per Square Foot	\$
	Location	Average
	Age	91 Years
	Condition	Good
	Total Rooms	7
	Bedrooms	3
	Baths	2.1
<b>APPRAISER</b>	Appraiser	William J. Lanciloti, Jr., SRA
	Date of Appraised Value	01/22/2016
<b>VALUE</b>	Opinion of Value	\$ 925,000

RESIDENTIAL APPRAISAL SUMMARY REPORT

File No.: 23park

Property Address: 23 Parkview Ave City: Newton State: MA Zip Code: 02460
County: Middlesex Legal Description: South Middlesex County Registry of Deeds Book 36268 Page 454
Assessor's Parcel #: 22-8-7
Tax Year: 2016 R.E. Taxes: \$ 6,327 Special Assessments: \$ 0 Borrower (if applicable): N/A
Current Owner of Record: Alan & Daphne Potter Occupant: [X] Owner [ ] Tenant [ ] Vacant [ ] Manufactured Housing
Project Type: [ ] PUD [ ] Condominium [ ] Cooperative [ ] Other (describe) HOA: \$ 0 [ ] per year [ ] per month
Market Area Name: Newtonville Map Reference: 15764 Census Tract: 3734.00
The purpose of this appraisal is to develop an opinion of: [X] Market Value (as defined), or [ ] other type of value (describe)
This report reflects the following value (if not Current, see comments): [X] Current (the Inspection Date is the Effective Date) [ ] Retrospective [ ] Prospective
Approaches developed for this appraisal: [X] Sales Comparison Approach [ ] Cost Approach [ ] Income Approach (See Reconciliation Comments and Scope of Work)
Property Rights Appraised: [X] Fee Simple [ ] Leasehold [ ] Leased Fee [ ] Other (describe)
Intended Use: The purpose of this appraisal is to determine a market value for possible sale.
Intended User(s) (by name or type): Provide Opinion of Value for possible purchase.
Client: City of Newton Address: 1000 Commonwealth Avenue, Newton Centre, MA 02459
Appraiser: William J. Lanciloti, Jr., SRA Address: 727 Washington Street, Newton, MA 02460
Location: [ ] Urban [X] Suburban [ ] Rural
Built up: [X] Over 75% [ ] 25-75% [ ] Under 25%
Growth rate: [ ] Rapid [X] Stable [ ] Slow
Property values: [ ] Increasing [X] Stable [ ] Declining
Demand/supply: [ ] Shortage [X] In Balance [ ] Over Supply
Marketing time: [X] Under 3 Mos. [ ] 3-6 Mos. [ ] Over 6 Mos.
Predominant Occupancy: [X] Owner [ ] Tenant [ ] Vacant (0-5%) [ ] Vacant (>5%)
One-Unit Housing: PRICE (\$000) AGE (yrs)
Present Land Use: One-Unit 75% 2-4 Unit 10% Multi-Unit 5% Comm'l 0% Park/School 10%
Change in Land Use: [ ] Not Likely [X] Likely \* [ ] In Process \*
\* To: Residential to Municipal.
Market Area Boundaries, Description, and Market Conditions (including support for the above characteristics and trends): Newton is bounded by the cities of Waltham and Watertown to the north, the city of Boston and the town of Brookline to the east, Boston and the towns of Needham and Wellesley to the south, and Waltham, Wellesley and the town of Weston to the west. See Comment Addendum for additional neighborhood discussion. At present, MLS reports 102 active offerings. List prices range from \$560,000 to \$10,500,000. Median list price is \$1,735,000. Only three homes are priced below \$609,000 and only two houses are listed in excess of \$4,500,000. Of the active listings, 11 have accepted offers with contingencies. There are 37 properties pending for sale. Median asking price was \$1,349,000. Conventional financing is available at low interest rates. Seller concessions are typically in the form of price reductions. Prices are relatively stable at this time.
Dimensions: Refer to Attached Deed Site Area: 4,300 sf
Zoning Classification: Multi Residence 1 Description: 10,000 SF Minimum/ 80' Frontage
Zoning Compliance: [ ] Legal [X] Legal nonconforming (grandfathered) [ ] Illegal [ ] No zoning
Are CC&Rs applicable? [ ] Yes [X] No [ ] Unknown Have the documents been reviewed? [ ] Yes [ ] No Ground Rent (if applicable) \$ /
Highest & Best Use as improved: [ ] Present use, or [X] Other use (explain) New Home
Actual Use as of Effective Date: Single-Family Residence Use as appraised in this report: Single-Family Residence
Summary of Highest & Best Use: Highest and Best Use is as currently utilized. Lot size is insufficient to take advantage of Multi-Residence Zoning.
Utilities Public Other Provider/Description Off-site Improvements Type Public Private Topography Level
Electricity [X] [ ] Eversource Street Paved Asphalt [X] [ ] Size Below Average
Gas [X] [ ] Eversource Curb/Gutter Granite [X] [ ] Shape Rectangular
Water [X] [ ] City Sidewalk Concrete [X] [ ] Drainage Appears Adequate
Sanitary Sewer [X] [ ] City Street Lights Overhead [X] [ ] View Resid./School
Storm Sewer [X] [ ] City Alley None [ ] [ ]
Other site elements: [X] Inside Lot [ ] Corner Lot [ ] Cut de Sac [ ] Underground Utilities [ ] Other (describe)
FEMA Spec'l Flood Hazard Area [ ] Yes [X] No FEMA Flood Zone X FEMA Map # 25017C0552E FEMA Map Date 6/4/2010
Site Comments: See Comment Addendum
General Description Exterior Description Foundation Basement Heating
# of Units 1 [ ] Acc. Unit Foundation Concrete Slab None Area Sq. Ft. 875 Type Steam
# of Stories 2 Exterior Walls Hard Plank Crawl Space Partial % Finished 0 Fuel Gas
Type [X] Det. [ ] Att. [ ] Roof Surface Asphalt Shingle Basement Predominant Ceiling Wood Joists
Design (Style) Colonial Gutters & Dwnspts. Alum/Alum Sump Pump [ ] Walls Conc./Knt Pn Cooling Central No
[X] Existing [ ] Proposed [ ] Und. Cons. Window Type Double Hung Dampness [ ] Floor Concrete Other 3 Mini-Splits
Actual Age (Yrs.) 91 Storm/Screens Full Settlement None Noted Outside Entry Walkout
Effective Age (Yrs.) 12 Condition Good Infestation None Noted Finish Minimal Fin.
Interior Description Appliances Attic [ ] None Amenities Car Storage [ ] None
Floors Hardwood Refrigerator [ ] Stairs [ ] Fireplaces # 1 Woodstove(s) # Garage # of cars ( 4 Tot)
Walls Plaster Range/Oven [X] Drop Stair [X] Patio Attach.
Trim/Finish Wood Disposal [X] Scuttle [ ] Deck Rear Detach.
Bath Floor Linoleum Dishwasher [X] Doorway [ ] Porch Blt-In
Bath Wainscot Tile Fan/Hood [ ] Floor [ ] Fence Carpet
Doors Wood Microwave [X] Heated [ ] Pool Driveway 4
Condition Good Washer/Dryer [ ] Finished [ ] Surface Paved Asphalt
Finished area above grade contains: 7 Rooms 3 Bedrooms 2.1 Bath(s) 1,701 Square Feet of Gross Living Area Above Grade
Additional features: Wired for Alarm, Recessed Lights, Granite Counters, Stainless Steel Appliances, Ceiling Fans, Deck, Fireplace, 3 Mini-Split AC Units; Renovation and Addition in 2012
Describe the condition of the property (including physical, functional and external obsolescence): See Comment Addendum.



APPRAISAL OF



a single family home...

LOCATED AT:

23 Parkview Ave  
Newton, MA 02460

CLIENT:

Daphne and Alan Potter  
23 Parkview Ave  
Newton, MA 02460

AS OF:

January 21, 2016

BY:

Christine Zitso Jaques

CZJ APPRAISAL SERVICES

File No. 23Parkview

Daphne and Alan Potter

Daphne and Alan Potter  
23 Parkview Ave  
Newton, MA 02460

File Number: 23Parkview

Dear Daphne and Alan,

In accordance with your request, I have appraised the real property at:

23 Parkview Ave  
Newton, MA 02460

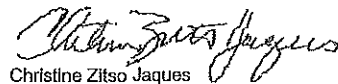
The purpose of this appraisal is to develop an opinion of the defined value of the subject property, as improved. The property rights appraised are the fee simple interest in the site and improvements.

In my opinion, the defined value of the property as of January 21, 2016 is:

\$970,000  
Nine Hundred Seventy Thousand Dollars

The attached report contains the description, analysis and supportive data for the conclusions, final opinion of value, descriptive photographs, assignment conditions and appropriate certifications.

THANK YOU!



Christine Zitso Jaques

Summary Residential Appraisal Report

File No. 23Parkview

The purpose of this appraisal report is to provide the client with a credible opinion of the defined value of the subject property, given the intended use of the appraisal.

**PURPOSE**  
 Client Name/Intended User: Daphne and Alan Potter E-mail: daphne.potter@gmail.com  
 Client Address: 23 Parkview Ave City: Newton State: MA Zip: 02460  
 Additional Intended User(s): Client's attorney  
 Intended Use: market valuation for proposed sale of the home to the city for school expansion

**SUBJECT**  
 Property Address: 23 Parkview Ave City: Newton State: MA Zip: 02460  
 Owner of Public Record: Daphne Potter/Alan Potter County: Middlesex  
 Legal Description: Book 36268 Page 454  
 Assessor's Parcel #: S:22 B:008 L:0007 Tax Year: 2015 R.E. Taxes \$: 6,327.00  
 Neighborhood Name: Newtonville Map Reference: MSA 15764 Census Tract: 3734.00  
 Property Rights Appraised:  Fee Simple  Leasehold  Other (describe)

**SALES HISTORY**  
 My research:  did  did not reveal any prior sales or transfers of the subject property for the three years prior to the effective date of this appraisal.  
 Prior Sale/Transfer: Date: Price: Source(s): Middlesex Registry of Deeds  
 Analysis of prior sale or transfer history of the subject property (and comparable sales, if applicable) as of the effective date of this valuation, there were no sales in the prior three years.  
 Offerings, options and contracts as of the effective date of the appraisal: None noted as of the day effective date of this report

**NEIGHBORHOOD**

Neighborhood Characteristics			One-Unit Housing Trends			One-Unit Housing		Present Land Use %			
Location	<input type="checkbox"/> Urban	<input checked="" type="checkbox"/> Suburban	<input type="checkbox"/> Rural	Property Values	<input checked="" type="checkbox"/> Increasing	<input type="checkbox"/> Stable	<input type="checkbox"/> Declining	PRICE	AGE	One-Unit	90 %
Built-Up	<input checked="" type="checkbox"/> Over 75%	<input type="checkbox"/> 25-75%	<input type="checkbox"/> Under 25%	Demand/Supply	<input checked="" type="checkbox"/> Shortage	<input type="checkbox"/> In Balance	<input type="checkbox"/> Over Supply	\$(000)	(yrs)	2-4 Unit	1 %
Growth	<input type="checkbox"/> Rapid	<input checked="" type="checkbox"/> Stable	<input type="checkbox"/> Slow	Marketing Time	<input checked="" type="checkbox"/> Under 3 mths	<input type="checkbox"/> 3-6 mths	<input type="checkbox"/> Over 6 mths	580 Low	1	Multi-Family	0 %
Neighborhood Boundaries: on the north by the Mass Pike, to the south by Comm Ave, to the east by Newton Corner and to the west by West Newton Hill.								3,800 High	150	Commercial	1 %
Neighborhood Description: subject property is located in the suburban town of Newton in in area know as Newtonville. The overall appeal of the neighborhood is very good with excellent access to the adjacent school and park as well as easy access to the Newtonville services and shopping district. Employment stability and proximity is also excellent and very stable. The area is made up of many similar style homes of various sizes and condition.								1,225 Pred.	80	Other condo	8 %

Market Conditions (including support for the above conclusions): The market for the subject segment is extremely strong with days on market usually under 21 days and often under a week, there is a shortage of supply in the under \$1 million segment in the portion of the city south of the Pike, absorption rate that is at least 45 units a month across the 12 month period that increases in the spring and fall to at least 56 units per month. It is also very common for there to be multiple offers on homes like the subject in the first week on the market. This data is supported by the 1004MC market conditions statement in the workfile.

Dimensions: see attached deed Area: 4300 sf Shape: rectangular View: Neighborhood/Park  
 Specific Zoning Classification: MR1 Zoning Description: 7,000 sf MINIMUM LOT REQUIREMENT  
 Zoning Compliance:  Legal  Legal Nonconforming (Grandfathered Use)  No Zoning  Illegal (describe)  
 Is the highest and best use of the subject property as improved (or as proposed per plans and specifications) the present use?  Yes  No If No, describe.

**SITE**

Utilities	Public	Other (describe)	Public	Other (describe)	Off-site Improvements—Type	Public	Private
Electricity	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Water	<input checked="" type="checkbox"/>	Street	PAVED	<input checked="" type="checkbox"/>
Gas	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Sanitary Sewer	<input checked="" type="checkbox"/>	Alley	None	<input type="checkbox"/>

Site Comments: site is level and abuts the Cabot school on two sides (the building on one side and the garden area at the back). The front faces the Cabot Playground. Part of the street is two way, but the street cannot be accessed directly from Cabot Street which cuts down on through traffic. The subject lot is zoned MR1 which has a minimum lot requirement of 7000 sf. The subject lot does not meet this requirement but is legal grandfathered use as it was built prior to the adoption of the current bylaws.

**IMPROVEMENTS**

GENERAL DESCRIPTION		FOUNDATION		EXTERIOR DESCRIPTION materials		INTERIOR materials	
Units	<input checked="" type="checkbox"/> One <input type="checkbox"/> One w/ Acc. Unit <input type="checkbox"/>	<input type="checkbox"/> Concrete Slab <input type="checkbox"/> Crawl Space	<input checked="" type="checkbox"/> Full Basement <input type="checkbox"/> Partial Basement	Foundation Walls	concrete/avg	Floors	Wood/good
# of Stories	2	Basement Area	812 sq. ft.	Exterior Walls	Hardiplank/good	Walls	Plaster/good
Type	<input checked="" type="checkbox"/> Det. <input type="checkbox"/> Att. <input type="checkbox"/> S-Det./End Unit	Basement Finish	0 %	Roof Surface	Asphalt Shingle/gd	Trim/Finish	Wood/good
	<input checked="" type="checkbox"/> Existing <input type="checkbox"/> Proposed <input type="checkbox"/> Under Const.	<input checked="" type="checkbox"/> Outside Entry/Exit <input type="checkbox"/> Stump Pump		Gutters & Downspouts	Aluminum/good	Bath Floor	tile/good
Design (Style)	Colonial			Window Type	Dbl hung/good	Bath Wainscot	tile/good
Year Built	1925			Storm Sash/insulated	yes	Car Storage	<input type="checkbox"/> None
Effective Age (Yrs)	8	Heating	<input type="checkbox"/> FWA <input checked="" type="checkbox"/> HW <input type="checkbox"/> Radiant	Screens	yes	<input checked="" type="checkbox"/> Driveway	# of Cars 3
Attic	<input type="checkbox"/> None	<input type="checkbox"/> Other	Fuel gas	Amenities	<input type="checkbox"/> Wood Stove(s) #0	Driveway Surface	paved
<input checked="" type="checkbox"/> Drop Stair <input type="checkbox"/> Stairs		<input type="checkbox"/> Cooling	Central Air Conditioning	<input checked="" type="checkbox"/> Fireplace(s) # 1	<input checked="" type="checkbox"/> Fence side/rear	Garage	# of Cars 0
<input type="checkbox"/> Floor <input type="checkbox"/> Scuttle		<input type="checkbox"/> Individual	<input checked="" type="checkbox"/> Other mini split	<input checked="" type="checkbox"/> Patio/Deck deck	<input type="checkbox"/> Porch none	Carport	# of Cars 0
<input type="checkbox"/> Finished <input type="checkbox"/> Heated				<input type="checkbox"/> Pool 0	<input type="checkbox"/> Other 0	Att.	<input type="checkbox"/> Det. <input type="checkbox"/> Built-in
Appliances: <input checked="" type="checkbox"/> Refrigerator <input checked="" type="checkbox"/> Range/Oven <input checked="" type="checkbox"/> Dishwasher <input checked="" type="checkbox"/> Disposal <input type="checkbox"/> Microwave <input type="checkbox"/> Washer/Dryer <input type="checkbox"/> Other (describe)							
Finished area above grade contains: 7 Rooms 3 Bedrooms 2.1 Bath(s) 1,687 Square Feet of Gross Living Area Above Grade							
Additional Features: house has been extensively improved over the past 3 years (as mentioned below). It has been well maintained in the time since that time. There is also a separate back shed for storage and the driveway is big enough to fit at least 3 cars tandem.							
Comments on the Improvements: subject has been extensively updated and renovated in the past 3 years. The home has a new kitchen, new addition of a master bath, renovated family bath and lav, new windows, new roof, new gas fireplace insert, updated wiring and plumbing, new exterior siding (hardiplank), new gutters and new composite deck. Also, the owners have installed mini split ductless ac units to cool the home. There was no evidence of excessive wear and tear on the day of inspection.							









CITY OF NEWTON

IN CITY COUNCIL

2016

**ORDER OF TAKING**  
**FOR SCHOOL PURPOSES**  
**23 PARKVIEW AVENUE**

WHEREAS, in the opinion of the City Council the public necessity and convenience require the acquisition by eminent domain of the parcel of land, together with improvements thereon, known as 23 Parkview Avenue ("the Parcel"); and

WHEREAS, the Parcel consists of approximately 4,300 square feet with buildings thereon, as described in a deed dated August 29, 2002 and recorded on August 30, 2002, with Middlesex County Registry of Deeds, at Book 36268 Page 454; and

WHEREAS, the City has authorized and received an independent professional appraisal of the value of the Parcel; and

THEREFORE, by vote of the City Council, acting on behalf of the City of Newton under General Laws Chapter 79 of the Massachusetts General Laws, it is hereby

ORDERED: That the Parcel be and hereby is taken in fee, together with all rights, title and interest in the Parcel. So far as is known to the Council, the owner and mortgagee for the Parcel are as follows:

Record Owner: Alan Potter and Daphne Potter  
Bk 36268 Pg 454

Mortgagee: MSA Mortgage, LLC  
Bk 59461 Pg 560

In accordance with General Laws Chapter 79, it is further

ORDERED: That the award of damages in the amount of one million dollars (\$1,000,000.00) is hereby made as a result of this eminent domain taking, to be paid to the persons entitled thereto; and it is further

ORDERED: That in accordance with General Laws Chapter 79 Section 1, the trees upon and structures affixed to said Parcel are hereby included as part of this taking; and it is further

ORDERED: That the Parcel is taken for school use; and that custody and management of the Parcel is hereby assigned to the Newton Public Schools.

Under Suspension of Rules  
Readings Waived and Approved

(SGD) DAVID A. OLSON  
City Clerk

(SGD) SETTI D. WARREN  
Mayor

Date: \_\_\_\_\_



CITY OF NEWTON

IN BOARD OF ALDERMEN

2016

ORDERED:

That, in accordance with the recommendation of the Committee of the Whole through its Chair Ruthanne Fuller, the Mayor is authorized to enter into an agreement with the owner of real property located at 23 Parkview Avenue to pay damages up to a maximum amount of one million dollars (\$1,000,000) for the taking of the real property located at 23 Parkview Avenue which damages include relocation costs payable to said owner pursuant to G.L. c. 79A

AND

That for purposes of paying the costs of acquiring 23 Parkview Avenue and all other costs associated with the foregoing, there is hereby appropriated the sum of one million and ten thousand dollars (\$1,010,000), which amount shall be borrowed under and pursuant to Chapter 44, Section 7(3) of the Massachusetts General Laws, or pursuant to any other enabling authority.

Under Suspension of Rules  
Readings Waived and Approved

(SGD) DAVID A. OLSON  
City Clerk

(SGD) SETTI D. WARREN  
Mayor

Date: \_\_\_\_\_