



City of Springfield

Special Meeting

~ Agenda ~

36 Court Street
Springfield, MA 01103
<http://www.springfieldcityhall.com>

Linda Fitzpatrick
413-787-6559

Tuesday, September 25, 2012

6:45 PM

Springfield City Hall -- Council Chambers

I. Call to Order

6:45 PM Meeting called to order on September 25, 2012 at Springfield City Hall -- Council Chambers, 36 Court Street, Springfield, MA.

II. Public Portion

III. Orders

1. Order (ID # 1839)

Appropriation Order for Indian Orchard Traffic Project - \$25,300.00#

FISCAL IMPACT:

\$25,300.00 for land damages for Indian Orchard Traffic Project.

2. Order (ID # 1838)

Order of Taking- Indian Orchard Traffic Project

FISCAL IMPACT:

\$25,300.00 in land damages.



City of Springfield

SCHEDULED

Meeting: 09/25/12 06:45 PM
Initiator: Kathy Breck
Sponsors: Mayor Domenic J. Sarno
DOC ID: 1839

3.1

Appropriation Order for Indian Orchard Traffic Project - \$25,300.00# (Mayor Sarno)

An Order Appropriating \$25,300.00 for the Eminent Domain Taking of Permanent and Temporary Easements for the Transportation Improvement Project - Front and Main Street, Indian Orchard

WHEREAS, the Department of Public Works is requesting that the Springfield City Council approve an Order of Taking authorizing the eminent domain takings of three (3) permanent easements and eight (8) temporary easements, all as more particularly described in the Order of Taking; and

WHEREAS, such takings are necessary to obtain all "rights of way" necessary for the Transportation Improvement Project at Front and Main Street, Indian Orchard, to be constructed and undertaken by the City of Springfield Department of Public Works; and

WHEREAS, the City obtained appraisals of the value of the easements and requests the City Council to appropriate the funds necessary to compensate the property owners for the eminent domain takings of the easements; and

WHEREAS, the Department of Public Works seeks to use funds from the Law Department Settlement Claims account for the purpose of paying the awards of damages to the property owners; and

WHEREAS, the Chief Administrative and Financial Officer has certified to the Mayor and City Council, that in his professional opinion, after an evaluation of all pertinent financial information reasonably available, that the City's financial resources and revenues are and will continue to be adequate to support the proposed expenditures and obligations involved in the appropriation of funds described herein for purposes of compensating property owners for the proposed eminent domain takings of permanent and temporary easements as described in the Order of Taking, without a detrimental impact on the continuous provision of the existing level of municipal services, in accordance with Section 2(f) of Chapter 656 of the Acts of 1989, as added by Section 1 of Chapter 468 of the Acts of 2008;

IT IS ORDERED, that pursuant to its authority under Mass. Gen. Laws Chapter 43, Section 30, Mass. Gen. Laws Chapter 79, Mass. Gen. Laws Chapter 44, Section 32, and Chapter 468 of the Acts of 2008, the City Council hereby appropriates the sum of Twenty-Five Thousand Three Hundred and 00/100 Dollars (\$25,300.00) for the payment of damages for the anticipated eminent domain taking of three (3) permanent easements and eight (8) temporary construction easements, as described in the Order of Taking, for the purposes of constructing and maintaining the Transportation Improvement Project, intersection of Front and Main Street, Indian Orchard, MA, to be paid from the following account:

Account # 0100-10-151-0000-0000-0010-000000-0000000-576400

Law Department Settlement Claims Account - \$25,300.00.**FISCAL IMPACT:**

\$25,300.00 for land damages for Indian Orchard Traffic Project.



City of Springfield

SCHEDULED

Meeting: 09/25/12 06:45 PM
Initiator: Kathy Breck
Sponsors: Mayor Domenic J. Sarno
DOC ID: 1838 A

3.2

Order of Taking- Indian Orchard Traffic Project (Mayor Sarno)

ORDER OF TAKING OF PERMANENT AND TEMPORARY EASEMENTS FOR THE TRANSPORTATION IMPROVEMENT PROJECT, INTERSECTION OF FRONT AND MAIN STREETS, INDIAN ORCHARD, MA

IT IS ORDERED THAT the City Council, acting pursuant to Mass. General Laws Chapter 43, Section 30, and Mass. General Laws Chapter 79, upon the request of the Department of Public Works, does hereby take by eminent domain in the name and on behalf of the said City of Springfield, a permanent easement at 83 Main Street (Parcel E-1), a permanent easement at SES Front Street (Parcel E-2), a permanent easement at ES Myrtle Street, and eight (8) temporary construction easements described herein (TE-1, TE-2, TE-3, TE-4, TE-5, TE-6, TE-7, and TE-9), all located in Indian Orchard section of Springfield, MA., for purposes of constructing and maintaining improvements to certain ways in the City of Springfield, including driveway and slope modifications, clearing brush, and for site grading and improvements to the "Transportation Improvement Project, Intersection of Front and Main Streets, Indian Orchard" ("Project").

An appropriation of money has been duly made for this purpose by an Order approved by the City Council on this date.

Such permanent and temporary easements are taken together with all rights therein, both legal and equitable, including all privileges, appurtenances, restrictions, conditions, and all estates and rights of reverter, together with all trees upon said land and improvements affixed to said land, excepting easements, rights, and interests specifically reserved herein.

The permanent easement taken at 83 Main Street (Parcel E-1), the permanent easement taken at SES Front Street (Parcel E-2) and the permanent easement taken at ES Myrtle Street (Parcel E-3), are shown on plans entitled "Main Street Intersection Improvement Project" ("Right of Way Plans"), on file with the Hampden County Registry of Deeds at Book of Plans at Book _____, Page _____, and the temporary construction easements referred to as TE-1, TE-2, TE-3, TE-4, TE-5, TE-6, TE-7, and TE-9 are shown on the Right of Way Plans on file with the Engineering Department of the City of Springfield Department of Public Works, 70 Tapley Street, Springfield, MA.

PERMANENT EASEMENT - PARCEL E-1

It is ORDERED, that a permanent easement for purposes of constructing and maintaining improvements to certain ways in the City of Springfield, for the "Transportation Improvement Project, Intersection of Front and Main Street, Indian Orchard", is hereby taken in the parcel of land described as Parcel E-1 below pursuant to and by virtue of Mass. General Laws Chapter 43, Section 30, and Mass. General Laws Chapter 79, of the Massachusetts General Laws; including

any improvements, trees and shrubs located thereon;

That the permanent easement described below is shown on the aforementioned "Right of Way Plans" on file with the Hampden County Registry of Deeds and the Engineering Department of the City of Springfield Department of Public Works ("DPW"), 70 Tapley Street, Springfield, MA. The permanent easement is described as follows:

Parcel E-1: A portion of a parcel of land located at 83 Main Street, supposed to be owned by Saremi, LLP, a Massachusetts corporation, containing an area of 95 square feet, more or less, and bounded and described as follows:

Beginning at a point on the southerly sideline of Main Street at its intersection with the westerly sideline of Myrtle, said point being a broken C.S.B. and S06°52'20"W, 32.8± feet from baseline station 207+04.96, and running thence;

S06°52'20"W, along the westerly sideline of Myrtle Street, 14.2± feet to a point 31.78' RT of baseline station 109+98.04, thence;

N36°33'05"W, a distance of 19.5± feet to point of non-tangency on the southerly sideline of Main Street, 32.76' RT of baseline station 206+91.56, thence;

S83°07'40"E, along the southerly sideline of Main Street, 13.4± feet to the point of beginning.

Containing an area of 95 square feet, more or less.

Although said parcel is stated above as belonging to the named owner, the ownership of said parcel is stated herein only insofar as said ownership is known or has been determined by the City Council, and accordingly, is so stated and shown only as a matter of information and belief.

PERMANENT EASEMENT - PARCEL E-2

It is ORDERED, that a permanent easement for purposes of constructing and maintaining improvements to certain ways in the City of Springfield, for the "Transportation Improvement Project, Intersection of Front and Main Street, Indian Orchard", is hereby taken in the parcel of land described as Parcel E-2 below pursuant to and by virtue of Mass. General Laws Chapter 43, Section 30, and Mass. General Laws Chapter 79, of the Massachusetts General Laws; including any improvements, trees and shrubs located thereon;

That the permanent easement described below is shown on the aforementioned "Right of Way Plans" on file with the Hampden County Registry of Deeds and the Engineering Department of the City of Springfield Department of Public Works ("DPW"), 70 Tapley Street, Springfield, MA. The permanent easement is described as follows:

Parcel E-2: A portion of a parcel of land located at SES Front Street, Indian Orchard, MA, supposed to be owned by CB Property Management Inc., containing an area of 1,860 square feet, more or less, and bounded and described as follows:

Beginning at a point on the northerly sideline of Main Street at its intersection with the westerly sideline of Myrtle Street, said point being a granite stone bound and N06°52'20"E, 33.2± feet from baseline station 207+04.96, and running thence;

N83°07'40"W, along the northerly sideline of Main Street, 14.3± feet to a point 33.24' LT of baseline station 206+90.68, of non tangency thence;

Easterly, on a curve to the left, having a radius of 25.0± feet, with a length of 42.9± feet to a point of non-tangency on the southwesterly sideline of Myrtle Street 30.10' RT of baseline station 108+52.64, thence;

Westerly, on a curve to the left, having a radius of 67.0± feet, with a length of 70.8± feet to a point of tangency on the southerly sideline of Front Street 22.00' RT of baseline station 107+48.71, thence;

N73°11'50"E, a distance of 70.9± feet along the southerly sideline of Front Street to a granite stone bound at a point of curvature, thence;

Easterly, on a curve to the right, having a radius of 10.0± feet, 19.8± feet to a granite stone bound and a point of tangency on the westerly sideline of Myrtle Street, thence;

S06°52'50"W, along the northwesterly sideline of Myrtle Street, 71.8± feet to the point of beginning.

Containing an area of 1860 square feet, more or less.

Although said parcel is stated above as belonging to the named owner, the ownership of said parcel is stated herein only insofar as said ownership is known or has been determined by the City Council, and accordingly, is so stated and shown only as a matter of information and belief.

PERMANENT EASEMENT - PARCEL E-3

It is ORDERED, that a permanent easement for purposes of constructing and maintaining improvements to certain ways in the City of Springfield, for the "Transportation Improvement Project, Intersection of Front and Main Street, Indian Orchard", is hereby taken in the parcel of land described as Parcel E-3 below pursuant to and by virtue of Mass. General Laws Chapter 43, Section 30, and Mass. General Laws Chapter 79, of the Massachusetts General Laws; including any improvements, trees and shrubs located thereon;

That the permanent easement described below is shown on the aforementioned "Right of Way Plans" on file with the Hampden County Registry of Deeds and the Engineering Department of the City of Springfield Department of Public Works ("DPW"), 70 Tapley Street, Springfield, MA. The permanent easement is described as follows:

Parcel E-3: A portion of a parcel of land located at ES Myrtle Street, Indian Orchard, MA, supposed to be owned by CB Property Management, Inc., a Massachusetts Corporation, containing an area of 385 square feet, more or less, and bounded and described as follows:

Beginning at a point on the northerly sideline of Main Street at its intersection with the easterly sideline of Myrtle Street, said point being N06°52'20"E, 33.2± feet from baseline station 207+64.95, and running thence;

N06°52'20"E, along the easterly sideline of Myrtle Street, 29.9± feet to a point 31.72' left of baseline station 108+95.61, thence;

Easterly, on a curve to the left, having a radius of 86.5± feet, with a length of 43.5± feet to a point of non-tangency 33.24' left of baseline station 207+95.97 on the northerly sideline of Main Street, thence;

N83°07'40"W, along the northeasterly sideline of Main Street, 31.0± feet to the point of beginning.

Containing an area of 385 square feet, more or less.

Although said parcel is stated above as belonging to the named owner, the ownership of said parcel is stated herein only insofar as said ownership is known or has been determined by the City Council, and accordingly, is so stated and shown only as a matter of information and belief.

TEMPORARY CONSTRUCTION EASEMENTS-

It is further ORDERED that the following temporary construction easements are hereby taken for purposes of constructing and maintaining improvements to certain ways in the City of Springfield, for the "Transportation Improvement Project, Intersection of Front and Main Street, Indian Orchard", pursuant to Mass. General Laws Chapter 43, Section 30, and Mass. General Laws Chapter 79, including any improvements, trees and shrubs located thereon, in the parcels of land described below within the limits of the Project as shown on the aforementioned "Right of Way Plans" on file with the Hampden County Registry of Deeds and the Engineering Department of the City of Springfield Department of Public Works ("DPW"), 70 Tapley Street, Springfield, MA, which plans are incorporated herein by reference;

Such temporary construction easements are acquired for the purposes of sidewalk and slope modifications, clearing brush, site grading and for improvements to the Project;

Such temporary construction easements are temporary in nature and are to be in effect only until five (5) years from the date of recording of this instrument;

That included within said temporary construction easements ("TE") are eight (8) parcels of land which are described below and are shown on the aforementioned Right of Way plans which are generally described as follows:

Parcel TE-1: A portion of a parcel of land located at 50 Main Street (Indian Orchard) Springfield, MA., now or formerly of EP Energy Massachusetts, LLC consisting of approximately 780 square feet, from the Main Street & Myrtle Street Construction Baseline Station 103+00± to Station 103+81±, and shown as TE-1 on the above-referenced Right of Way plans on file with the DPW Engineering Division;

Parcel TE-2: A portion of a parcel of land located at Rear Front Street, Springfield, MA., now or formerly of C.B. Property Management, Inc., consisting of approximately 1625 square feet, from the Main Street & Myrtle Street Construction Baseline Station 103+81± to Station 105+55±, and shown as TE-2 on the above-referenced Right of Way plans on file with the DPW Engineering Division;

Parcel TE-3: A portion of a parcel of land located at Rear Front Street, Springfield, MA., now or formerly of C.B. Property Management, Inc., consisting of approximately 1005 square feet, from the Main Street & Myrtle Street Construction Baseline Station 105+70± to Station 106+22±, and shown as TE-3 on the above-referenced Right of Way plans on file with the DPW Engineering Division;

Parcel TE-4: A portion of a parcel of land located at 11 Front Street, Springfield, MA., now or formerly of MBMB LLC, consisting of approximately 1635 square feet, from the Main Street & Front St (Route 141) Construction Baseline Station 202+18± to Station 205+01±, and shown as TE-4 on the above-referenced Right of Way plans on file with the DPW Engineering Division;

Parcel TE-5: A portion of a parcel of land located at 83 Main Street (Indian Orchard), Springfield, MA., now or formerly of Saremi LLP, consisting of approximately 1175 square feet, from the Main Street & Front St (Route 141) Construction Baseline Station 205+01± to Station 207+05±, and shown as TE-5 on the above-referenced Right of Way plans on file with the DPW Engineering Division;

Parcel TE-6: A portion of a parcel of land located at SES Front Street, Springfield, MA., now or formerly of C.B. Property Management, Inc., consisting of approximately 2085 square feet, from the Main Street & Front St (Route 141) Construction Baseline Station 205+56± to Station 206+91±, and shown as TE-6 on the above-referenced Right of Way

plans on file with the DPW Engineering Division;

Parcel TE-7: A portion of a parcel of land located on the easterly side of Myrtle St and the northerly side of Main St (Indian Orchard), Springfield, MA., now or formerly of C.B. Property Management, Inc., consisting of approximately 2360 square feet, from the Main Street & Front St (Route 141) Construction Baseline Station 207+65± to Station 211+08±, and shown as TE-7 on the above-referenced Right of Way plans on file with the DPW Engineering Division;

Parcel TE-9: A portion of a parcel of land located on 125 Main Street (Indian Orchard), Springfield, MA., now or formerly of Jose Fragoso, Armando F. and Elizabeth Tereso, consisting of approximately 890 square feet, from the Spring Street Construction Baseline Station 210+16± to Station 211+05±, and shown as TE-9 on the above-referenced Right of Way plans on file with the DPW Engineering Division.

Although said parcels are stated above as belonging to the named owner, the ownership of said parcels is stated herein only insofar as said ownership is known or has been determined by the City Council, and accordingly, is so stated and shown only as a matter of information and belief.

AWARD OF DAMAGES

It is ORDERED that the City of Springfield makes the following awards for damages sustained by the owner/owners, and mortgagees of record and others as required by law, having an interest in the area or areas hereinbefore described in the taking of or injury to his/their/its property by reason of the taking of the permanent easement and temporary construction easements taken for construction of the Project, including any improvements, trees or shrubs:

DAMAGES FOR PERMANENT EASEMENTS

PARCEL NO.	SUPPOSED OWNER/MORTGAGEE OF RECORD	S.F. AREA	AWARD OF DAMAGES
E-1 83 Main Street	Saremi, LLP	95	\$500.00
E-2 S/E/S Front Street	CB Property Management, Inc.	1,860	\$8,800.00
E-3 E/S Myrtle Street	CB Property Management, Inc.	385	\$1,800
TOTAL FOR PERMANENT EASEMENTS:			\$11,100.00

Such taking is subject only to such interests of mortgagees and others as are required by law, and is made subject to the prior payment of any unpaid taxes, water and sewer use charges, betterments, if any, to the City of Springfield, MA.

DAMAGES FOR TEMPORARY EASEMENTS

PARCEL NO.	SUPPOSED OWNER/MORTGAGEE OF RECORD	S.F. AREA	AWARD OF DAMAGES
TE-1 50 MAIN STREET	Consolidated Edison Energy Massachusetts	780	\$400.00
TE-2 REAR FRONT STREET	CB Property Management, Inc. \$800.00		1,625
TE-3 34 FRONT STREET	CB Property Management, Inc. \$500.00		1,005
TE-4 11 FRONT STREET	MBMB, LLC	1,635	\$2,500.00
TE-5 83 MAIN STREET	Saremi, LLP	1,175	\$1,800.00
TE-6 S/E/S FRONT STREET	CB Property Management, Inc. \$3,200.00		2,085
TE-7 E/S MYRTLE STREET	CB Property Management, Inc. \$3,600.00		2,360
TE-9 125 MAIN STREET	Armando & Elizabeth Tereso	890	\$1,400.00
TOTAL FOR TEMPORARY EASEMENTS:			\$14,200.00

Such temporary construction easements are taken subject only to such interests of mortgagees and others as are required by law, and are subject to the prior payment of any unpaid taxes, water and sewer use charges, betterments, if any, to the City of Springfield, MA.

It is further ORDERED: that the City Treasurer be and is hereby authorized to pay said sums to the owners of the land specified above, or to their heirs, successors, or assigns when the same shall become payable as above provided;

that no damages be awarded, other than those above mentioned, inasmuch as no other damages will be sustained by any person, firm, or corporation in their land abutting the public way by reason of laying out and construction of the project within the limits described herein;

that no assessments be levied;

that the City Clerk, in the name and on behalf of the City, is hereby directed to give notice in compliance with Chapter 79 of the Massachusetts General Laws;

that within 30 days after the adoption of this order, the City Clerk is hereby ordered to certify and record a copy hereof, together with the aforementioned Right of Way Plans, in the Hampden County Registry of Deeds.

Approved by the City Council on _____, 2012:

Wayman Lee, Esq
City Clerk

Approved pursuant to Mass. Gen. Laws ch. 43, sec. 30:

Domenic J. Sarno, Mayor
Date signed:_____

FISCAL IMPACT:

\$25,300.00 in land damages.