



City of Springfield

Special Meeting

~ Agenda ~

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

Linda Fitzpatrick
413-787-6559

Monday, August 19, 2013

6:00 PM

Springfield City Hall -- Council Chambers

I. Call to Order

6:00 PM Meeting called to order on August 19, 2013 at Springfield City Hall -- Council Chambers, 36 Court Street, Springfield, MA.

II. Resolve

1. Order (ID # 2292)

Cathedral High School Resolve

2. Ordinance

3. Ordinance (ID # 2297)

Chapter 73-8 Residency Requirements – Condition of Employment

4. Ordinance 2013-3

Veto Override - Residency Requirements - Chapter 73

HISTORY:

05/06/13	City Council	FIRST READING
Next: 06/03/13		
06/03/13	City Council	SECOND READING
Next: 06/17/13		
06/17/13	City Council	TABLED
Next: 07/15/13		
07/15/13	City Council	TABLED
Next: 08/19/13		

ATTACHMENTS:

- VETO RESIDENCY MAYOR (PDF)

III. Orders

1. Order (ID # 2270)

Appropriation of \$104,130 for Eminent Domain Takings for Boston Road Project

HISTORY:**07/15/13****City Council****REFERRED TO COMMITTEE****Next: 08/19/13****FINANCIAL IMPACT:**

The Order appropriates \$104,130 for damages for the eminent domain taking of easements for the Boston Road Traffic Project.

ATTACHMENTS:

- Boston Road Order of Appropriation - Exhibit A (PDF)

2. Order (ID # 2268)

Order of Taking of Easements for Boston Road Traffic Project

HISTORY:**07/15/13****City Council****REFERRED TO COMMITTEE****Next: 08/19/13****3. Order (ID # 2293)**

Order Amending Ordinance Chapter 82- Purchasing and Contracts to Reflect Amendments to Chapter 30B

4. Order (ID # 2294)

Order Authorizing Expenditure of Chapter 90 Funds - \$3,624,412.00

ATTACHMENTS:

- 201308131729 (PDF)

IV. Special Acts**1. Special Act (ID # 2295)**

An Act Filling Vacancies in Ward Seats of the City Council by Special Election

ATTACHMENTS:

- succession memo (DOC)

V. Petitions**1. Petition (ID # 2126)**

For a Special Permit to Renovate and Reopen a Pre-Existing, Non-Conforming Commercial Structure (Convenience Store) at the Property Known as 418 Liberty Street (07770-0106), as Allowed by M.G.L. and the Springfield Zoning Ordinance Article XV, Section 1500.4A.

Request:	See Above
Owner:	RAK Realty Associates, LLC
By:	Fred Basile
Petitioner:	Gulam Kagzi
By:	Gulam Kagzi

HISTORY:**05/28/13****City Council****REFER TO COMMITTEE****Next: 08/19/13****ATTACHMENTS:**

- Liberty_St_418_Formal_Tax_2013 (PDF)
- Liberty_St_418_2013 (PDF)



City of Springfield

SCHEDULED

Meeting: 08/19/13 06:00 PM
Initiator: Kelley Mickiewicz
Sponsors: President At-Large Councilor James J. Ferrera III
DOC ID: 2292 A

2.1

Cathedral High School Resolve (President At-Large Councilor Ferrera III)

CITY OF SPRINGFIELD

In the City Council August 19, 2013

- WHEREAS, Cathedral High School has been located on 260 Surrey Road in the East Forest Park section of Springfield, Massachusetts since 1959, and
- WHEREAS, Cathedral High School has a long tradition of providing a first class Catholic education for all its' students, and
- WHEREAS, Cathedral has been a cornerstone in East Forest Park for over fifty years, and
- WHEREAS, the tragic events of June 1, 2011 destroyed the structure of Cathedral High School but not the spirit or the pride of the school, and
- WHEREAS, the lengthy insurance process required Cathedral High School to relocate temporarily to Wilbraham, Massachusetts, and
- WHEREAS, the long delay has caused concern for the residents of East Forest Park, Cathedral Alumni, and most importantly current and future students of the school,
- NOW, THEREFORE, BE IT RESOLVED that the Springfield City Council strongly urges the Diocese of Springfield to publicly announce and commit to rebuilding and opening Cathedral High School at its current location of 260 Surrey Road in Springfield, Massachusetts so that the residents of East Forest Park are assured that the school will be rebuilt and that all current and future students can continue to enjoy a first class Catholic education.

**City of Springfield**

36 Court Street
Springfield, MA 01103

SCHEDULED**ORDINANCE (ID # 2297)**

Meeting: 08/19/13 06:00 PM

Department: Law

Category: Local Law

Prepared By: Anthony I. Wilson

Initiator: Anthony I. Wilson

Sponsors: Ward 2 Councilor Michael A. Fenton

DOC ID: 2297

Chapter 73-8 Residency Requirements – Condition of Employment

ORD. NO. ____73-8

AN ORDINANCE (A LOCAL LAW) TO AMEND the Code of the City of Springfield, Chapter 73 thereof, entitled Residency Requirements, by deleting and repealing section 8.

Be it ordained (enacted) by the Council of the City of Springfield, as follows:

Section 1. Section 8 of Chapter 73, Residency Requirements, of the Code of the City of Springfield, is hereby amended to read as follows:

- A. Except as provided for in this article, every person first employed by the City of Springfield on or after March 17, 1995, shall, within twelve (12) months of the start of employment, be a resident of the City of Springfield and shall not cease to be a resident during his employment by the City.
- B. For the purpose of this article, an employee shall be any person receiving monies from the City or any City department subject to withholding taxes by the state or federal government.
- C. Notwithstanding the provisions of this article, all employees employed by the City of Springfield on March 17, 1995, shall be considered to have fully complied with the residency provisions of this article.



City of Springfield
36 Court Street
Springfield, MA 01103

Meeting: 08/19/13 06:00 PM
Department: Law
Category: Local Law
Prepared By: Anthony I. Wilson
Initiator: Anthony I. Wilson
Sponsors: Ward 2 Councilor Michael A. Fenton
DOC ID: 2124 A

TABLED

ORDINANCE 2013-3

Veto Override - Residency Requirements - Chapter 73

Residency Requirements

ORD. NO. ____

AN ORDINANCE (A LOCAL LAW) TO AMEND the Code of the City of Springfield, Article II of Chapter 73 thereof, entitled Residency Requirements, by deleting and repealing section 70.

Be it ordained by the Council of the City of Springfield, as follows:

Section 1. Section 13 of Article II of Chapter 73, Residency Requirements, of the Code of the City of Springfield, is hereby amended to read as follows:

WAIVER. The provisions of this chapter may be waived only in the manner described herein. All requests for waiver shall be submitted in writing to the Director of Labor Relations. The Director of Labor Relations shall forward the request to the Mayor and City Council. With the request, the Director of Labor Relations shall provide details about the job posting including, but not limited to: the date the job was posted, the date the posting was closed, the number of applicants who applied, and the number of Springfield residents who applied. After the request is forwarded to the Mayor and the City Council, the job posting will be opened for a second time for a period not less than seven days. The posting will be publicly posted on the City's website.

If a candidate, who meets the minimum qualifications for the posted position and who resided within the City of Springfield, does not apply for the position, then the Mayor, in his sole discretion, may grant the waiver. Any such waiver granted by the Mayor must be forwarded directly to the City Council for purposes of notification. Nothing in this Section shall be deemed to invalidate waivers granted by the Mayor or the Control Board prior to January 1, 2014 nor shall this Section restrict the Mayor to make reappointments to existing city employees.

A department head or deputy department head shall not be eligible for a waiver of the residency requirement.

HISTORY:

05/06/13	City Council	FIRST READING	Next: 06/03/13
06/03/13	City Council	SECOND READING	Next: 06/17/13
06/17/13	City Council	TABLED	Next: 07/15/13
07/15/13	City Council	TABLED	Next: 08/19/13



RECEIVED

2013 JUL 24 P 4: 06

CITY CLERK'S OFFICE
SPRINGFIELD, MA

THE CITY OF SPRINGFIELD, MASSACHUSETTS

MAYOR DOMENIC J. SARNO

HOME OF THE BASKETBALL HALL OF FAME

July 24, 2013

Waymen Lee, City Clerk
City of Springfield
36 Court Street
Springfield, MA 01103

Re: Veto of City Council's Changes to Residency Ordinance

Dear Attorney Lee:

This letter is sent, pursuant to Mass. Gen. Law, Chapter 43, § 55, as my written objection and veto of the City Council order Amending the Code of the City of Springfield Chapter 73 – Residency Requirements. I am returning the ordinance to the Council and request that you so inform them. While I appreciate the City Council's due diligence on residency and based on their request for a legal ruling from City Solicitor Ed Pikula (copy attached) I issue the veto understanding the issue clearly.

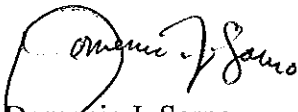
As in past practice and in moving forward, I do not intend to grant waivers, unless there are extenuating circumstances in which, as always, we need to hire the most qualified and competent individual to provide the best possible services to our taxpayers. As always, everything being equal, Springfield residents are given priority to fill a needed position.

City Solicitor Pikula's legal opinion states: "[e]liminating existing waivers as well as the Mayor's discretionary authority to grant future waivers is not an effective means of managing residency in the City as it interferes with the Mayor's inherent authority under the City's charter and would also expose the City to lawsuits and a likelihood of substantial damages".

It is the Solicitor's recommendation that any attempt to impose new residency requirements be deferred until justifiable evidence to support the ordinance has been accumulated by a study in order to avoid a constitutional challenge based on a claimed violation of Privileges and Immunities clause to the United States Constitution.

As indicated in his legal ruling, Solicitor Pikula cited the lack of data to justify a blanket policy applicable to the small number of employees at issue here. Most employees (police, fire, and teachers) are exempt from residency either through state law or collective bargaining. This would support discrimination against non-resident employees versus resident employees.

Respectfully,



Domenic J. Sarno
Mayor

Enc. Opinion of Solicitor Pikula
Returned Ordinance

Edward M. Pikula
City Solicitor

Law Department

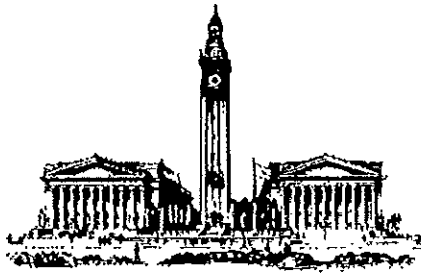
36 Court Street - Room 210

Springfield, MA 01103

Office: (413) 787-6085

Fax: (413) 787-6173

Email: epikula@springfieldcityhall.com



THE CITY OF SPRINGFIELD, MASSACHUSETTS

July 19, 2015

James Ferrera, III, President
 Springfield City Council
 36 Court Street
 Springfield, MA 01103

Re: Proposed changes for Waiver of Residency Ordinance

RECEIVED
 2013 JUL 24 P 4: 07
 CITY CLERK'S OFFICE
 SPRINGFIELD, MA

Dear Councilor Ferrera:

You requested information with regard to the time limits of the City of Springfield's waiver provisions under the residency ordinances, and requested that the Law Department draft a new provision that prohibits the mayor from granting any new waivers and ends all existing waivers by January 1, 2014. The information requested is provided below. In short answer, the time limits applicable to waivers are at the discretion of the Mayor, and, as explained in this opinion, elimination of all existing waivers is not within the legal authority of the City Council. Moreover, a blanket removal of the authority to grant waivers prospectively, for all categories of employees subject to the residency ordinances, is also legally unworkable as enforcing such a provision without data to support a reason for such a change, as required by recent court decisions, would expose the City to potential damages. A detailed explanation is set forth below.

A. The limited applicability of the City's Residency Ordinances and past practice as to enforcement distinguishes Springfield from other jurisdictions where limits have been upheld.

In Massachusetts, the General Laws provide that municipal employees are not required to be a resident of the municipality in order to accept appointment to a municipal public office in that municipality. See Mass. Gen. Laws ch. 41, §109. However, a City or Town may enact reasonable residency requirements, as long as they are consistent with a city's charter provisions as well as other statutory and constitutional limits.

The City's residency requirements are set forth in Sections 8 through 11 of Article II of Chapter 73 of the Revised Ordinances of the City of Springfield ("the residency ordinance"). On July 15, 2013, an amendment was approved by the City Council which has been submitted to the Mayor for signature.

The residency ordinance requires all city employees to live within the City of Springfield. However, the majority of the City's workforce is exempt from its provisions as state law supersedes the residency ordinance as to teachers. The state law provides that "[n]o school district shall require that an individual reside within the city, . . . as a condition of promotion, assignment, transfer or continued employment as a school teacher, instructional aide, assistant principal, principal, director, supervisor, deputy superintendent or professional employee. . . .". This section does not apply to any superintendent, associate superintendent or assistant superintendent. See Mass. Gen. Law ch. 71, §38.

Springfield police are also exempt, as a result of an arbitration award where the arbitrator ruled that the performance of the job of police officers in Springfield was unrelated to their residency status. It should be noted that the same arbitrator ruled that the Boston Police Department was subject to residency requirements. Police and firefighters are only required to live "within fifteen miles of the limits" of the City. See Mass. Gen. Law, ch. 41, § 99A. By collective bargaining agreement, Springfield fire fighters are restricted to a ten mile limitation. In addition, several collective bargaining provisions relate to residency and exempt employees in these unions from the residency.

Springfield employs 6,670 employees of whom 443 are police officers and 223 are fire fighters. The School Department has 5,042 employees. As such, the residency ordinance applies to less than 15% of the City's workforce; about 962 people. In addition, as noted above, there are other employees who are exempt from residency by collective bargaining agreements. Additionally, past practices as to enforcement may also affect the constitutionality of an ordinance that, while constitutional on its face, may best unconstitutional as applied. An "as applied" challenge on the basis of equal protection is a "challenge to the unequal enforcement of an otherwise valid statute against a protected class of persons." *Commonwealth v. Chou*, 433 Mass. 229, 238, 741 N.E.2d 17 (2000).

Targeting a small group of employees for treatment different than the treatment of other employees would be suspect and subject to the probability of legal challenge, without a rational justification supported by evidence. As such, the circumstances in cases where residency has been upheld in the past, distinguishes the situation here.

Specifically, a requirement that a public employee continuously maintains residency within the city has been upheld as not violative of equal protection or the interstate right to travel by federal and state courts with regard to public safety employees where the regulation was bona fide as having a rational relationship to effectuating a legitimate government interest. *McCarthy v. Philadelphia Civil Serv. Comm'n*, 424 US 645 (1976).

The majority of the cases on this subject deal with the application of residency requirements on “emergency personnel”, such as firefighters and police officers. This line of cases analyze the issue under the Due Process Clause or the Equal Protection Clause of the Fourteenth Amendment. In addition, the 7th Circuit, explicitly extended the Supreme Court’s rational under those constitutional provisions to non-emergency personnel when it ruled residency requirements were constitutionally valid as applied to a golf-cart mechanic. *Gusewelle v. City of Wood River*, 374 F.3d 569 (7th Cir. 2004).

However, based on the small number of employees that would be affected by the changes proposed here, it cannot be said with any degree of certainty that such precedent would protect the City from similar challenges under those provisions.

B. Recent decisions prohibiting discrimination against non-residents increase the risk of exposure to damage awards

Recent case law in Massachusetts places all residency requirements relative to employment provisions on uncertain grounds under the Privileges and Immunities Clause. Two challenges have been successful in Massachusetts due, in large measure, to the lack of any in depth study to support the discrimination against non-residents. Specifically, the U.S. District Court for the District of Massachusetts, in the case of *Merit Constr. Alliance v. City of Quincy*, 2012 U.S. Dist. LEXIS 54210 (D. Mass. Apr. 18, 2012) granted a preliminary injunction against the city of Quincy prohibiting enforcement of a so called “Responsible Employer Ordinance” mandating that contractors on public projects use a workforce comprised of at least 33% city residents.

The Quincy City Council promulgated the Responsible Employer Ordinance (REO) on May 17, 2010, by unanimous vote. The REO mandated that all contractors on public agency projects: (1) utilize a workforce including at least 33% residents of Quincy; (2) maintain and participate in an apprenticeship program; and (3) provide health and welfare and pension benefits for their employees. Merit Construction Alliance, a trade association, and several contractors and individuals filed suit challenging the REO.

The plaintiffs in those cases were successful in arguing that the residency requirement violates, among other laws, the Privileges and Immunities Clause of the U.S. Constitution. The Privileges and Immunities Clause of the United States Constitution states: “The citizens of each state shall be entitled to all privileges and immunities of citizens in several states.” (U.S. Const. art. IV, § 2, cl. 1.) “The Clause is designed to prevent the discriminatory treatment of citizens from other states ... [to avoid] economic Balkanization ... [by keeping] states from adopting highly protectionist economic policies. The Constitution protects nonresidents from economic discrimination so that the nation may function as a single economic union.” *A.L. Blades & Sons, Inc. v. Yerusalim*, 121 F.3d 865, 869-870 (3rd Cir. 1997).

The plaintiffs in the Quincy case sought an order declaring that the offending provisions are unlawful and enjoining Quincy from enforcing them through the issuance of a preliminary injunction while the lawsuit is pending.¹

In its decision against the City, the court noted that on Oct. 4, 2011, it had already enjoined an REO of the city of Fall River with very similar residency, apprenticeship, health and welfare, and pension provisions. Because Quincy's REO apprenticeship provision was not materially different from Fall River's and because Quincy acknowledged the similarity of its health and welfare and pension provisions to those in the Fall River ordinance, the court declined to revisit those arguments and instead addressed the plaintiffs' argument that the residency requirement violated the Privileges and Immunities Clause.

To establish a violation of the Privileges and Immunities Clause, plaintiffs must show that the discriminatory act impairs one of the protected privileges. Then, the burden shifts to the governmental entity to establish that it had a substantial reason for the difference in treatment and that the discrimination bears a substantial relationship to those objectives. "The Clause does not preclude discrimination against nonresidents where (i) there is a substantial reason for the difference in treatment; and (ii) the discrimination practiced against nonresidents bears a substantial relationship to the State's objective." *Supreme Court of New Hampshire v. Piper*, 470 U.S. 274, 284 (1985)(residency requirements for becoming member of the bar violated the Constitution because appellee's interest in practicing law was a protected privilege and the state's reasons for discriminating were not substantial).

In the Fall River case, *Util. Contrs. Ass'n of New England, Inc. v. City of Fall River*, 2011 U.S. Dist. LEXIS 114333, 13-14 (D. Mass. Oct. 4, 2011), the court held that municipal residency requirements implicate the right of workers to be productive and find suitable work. The opinion states that there is a "fundamental right to employment, where the employee is hired by a private employer who receives a government contract to work on a public project." The opinion quoted from other cases finding the "pursuit of a livelihood, [is] a fundamental right within the purview of the Privileges and Immunities Clause" and that "the pursuit of a common calling is one of the most fundamental of those privileges protected by the Clause." (citations omitted). The Supreme Court has held that a general preference for the hiring of Alaska residents to work on the Alaska pipelines, where there was no showing that nonresidents were a peculiar source of the evil the statute was enacted to remedy; namely, high unemployment, was unconstitutional. *Hicklin v. Orbeck*, 437 U.S. 518 (1978). The Privileges and Immunities Clause applies in the context of a municipal ordinance that has identical effects upon out-of-state citizens and state citizens not residing in the municipal locality. *United Bldg. & Constr. Trades Council v. Camden*, 465 U.S. 208 (1984).

¹ It should be noted that the City of Quincy had agreed not to enforce the Ordinance, but was still found liable for costs and attorneys' fees under the Civil Rights Act.

Residency Waiver Change

July 19, 2013

Page 5

While those cases cited above involved employees of public contractors, rather than public employees, the reasoning is applicable to the Springfield residency ordinances targeting employees at issue here as federal courts have found a state's residency requirement for public employees invalid under the Privileges and Immunities Clause of the United States Constitution. See *Nelson v. Geringer*, 295 F.3d 1082, 1088 (10th Cir. Wyo. 2002).

As such, any residency requirement may be invalid under this clause in the event it prevents residents of other states from maintaining employment, which the proposed Ordinance does on the face of the language proposed here. A review of the evidence of the two federal cases involving Massachusetts communities provides guidance to follow in order to avoid any similar deprivation of civil rights here in Springfield.

In the Fall River case the city offered as its "substantial reason" for discriminating against non-residents its desire to ensure that taxpayers investing millions in their community see "some return on their substantial, and unique investment in the way of jobs." Furthermore, the mayor reported that residents expressed concern over unemployment among the city's blue collar workers. The federal court found the justification insufficient.

Because the Fall River residency requirements impede a fundamental right under the Privileges and Immunities Clause, and Fall River did not offer any justification, the residency requirement was found to be invalid in the Fall River case.

In the Quincy case, the City argued that there was justification. Specifically, those non-resident employees in the construction industry were a particular source of the unemployment of blue-collar workers in Quincy.

More specifically, Quincy's "substantial reason" for discriminating against non-residents was its desire to ensure that "its taxpayers who are embarking over the next decade on a multi-million dollar investment in their community . . . see some return on their substantial, and unique investment in the way of jobs" because it committed "\$1.6 Billion dollars in public works contracts in its downtown" and other public works projects. See Docket # 5 at p. 7-8.

Quincy noted that prior to revising the REO the mayor of Quincy, Thomas P. Koch, was "hearing from the citizenry on an almost daily basis that the blue collar sector of the city needs work,"; and that it is "axiomatic that every municipality would wish to see its citizens employed, and would do whatever it could to insure that to happen." *Id.* The Mayor's statements and defendant's assertions certainly explain Quincy's desire that a certain percentage of jobs on its public works projects go to its own residents. However, "the effect of the Privileges and Immunities Clause cannot be avoided 'solely under the guise of avoiding economic losses to residents.'" (citations omitted).

However, the court rejected this justification and found that the city provided no evidence that it engaged in any extensive fact finding, conducted or commissioned any studies, or made any determination based on evidence that would support its claimed justification that non-residents were a particular source of the unemployment of Quincy's blue-collar workers. "To the contrary, [the court stated] one may reasonably infer that non-residents shop, ride public transportation, frequent restaurants and taverns, and in many other ways contribute substantially to the Quincy economy, and that Quincy residents are gainfully employed well outside the confines of Quincy."

Therefore, the court held that Quincy failed to provide a constitutionally adequate justification for treating residents and non-residents differently in connection with the construction of its public works projects. As a result, the plaintiffs were therefore likely to succeed on the merits in their challenge to the REO. Because the plaintiffs' and the public's interest would be irreparably harmed by the enforcement of the REO, the court held that the public interest is served by enjoining application of the cited provisions of the REO.

At this time, the Law Department is not aware of any data to justify a blanket policy applicable to the small number of employees at issue here that would support discrimination against non-resident employees versus resident employees. As such, it is recommended that any attempt to impose new residency requirements, or to terminate existing waivers, be deferred until justifiable evidence to support the ordinance has been accumulated by a study in order to avoid a constitutional challenge based on a claimed violation of Privileges and Immunities clause of the United States Constitution.

C. *Eliminating existing waivers as well as the Mayor's discretionary authority to grant future waivers is not an effective means of managing residency in the City as it interferes with the Mayor's inherent authority under the City's charter and would also expose the City to lawsuits and a likelihood of substantial damages.*

With regard to the Mayor's discretion to grant a waiver under the current residency ordinances, Section 13 of the residency ordinances permits the Mayor to waive the residency provisions for certain employees. As to those employment positions which fall under the residency ordinance, the Mayor has granted 32 waivers during his administration. There are a number of other employees who have received waivers from the Control Board, other administrations, or who began their employment tenure during a time when the residency ordinance did not apply to them, such that they are "grandfathered".

The most recent proposed amendment of the residency ordinance waiver provision states:

The provisions of this chapter may be waived only in the manner described herein. All requests for waiver shall be submitted in writing to

the Director of Labor Relations. The Director of Labor Relations shall forward the request to the Mayor and City Council. With the request, the Director of Labor Relations shall provide details about the job posting including, but not limited to: the date the job was posted, the date the posting was closed, the number of applicants who applied, and the number of Springfield residents who applied. After the request is forwarded to the Mayor and the City Council, the job posting will be opened for a second time for a period not less than seven days. The posting will be publicly posted on the City's website.

If a candidate, who meets the minimum qualifications for the posted position and who resided within the City of Springfield, does not apply for the position, then the Mayor, in his sole discretion, may grant the waiver. Any such waiver granted by the Mayor must be forwarded directly to the City Council for purposes of notification. Nothing in this Section shall be deemed to invalidate waivers granted by the Mayor or the Control Board prior to January 1, 2014 nor shall this Section restrict the Mayor to make reappointments to existing city employees.

A department head or deputy department head shall not be eligible for a waiver of the residency requirement.

Rev. Ord. of Springfield, Chapter 73 § 13. (currently presented to the Mayor for consideration).

1. *Eliminating existing waivers as well as the Mayor's discretionary authority to grant future waivers interferes with the Mayor's inherent authority under the City's Charter.*

The proposed amendment submitted to the Mayor by the City Council alters the existing waiver provision, as it prohibits the Mayor from appointing a non-resident to the position of a department head or deputy department. While department heads typically appoint employees within their departments, currently, the Mayor has authority to grant a waiver of residency for department heads and deputies, which positions are, largely, the only employees the Mayor appoints. As such, the City Council enactment is intended to limit the Mayor's current authority, and, in effect, applies to a limited number of key appointments required by the Mayor to administer the executive branch of government.

The City Council does not have the authority to enact this provision without the consent of the Mayor. Springfield's government operates under a "Plan A" charter, as found in Chapter 43 of the Massachusetts General Laws, commonly referred to as a "strong Mayor" form, where the Mayor is the Chief Executive Officer responsible for executing government operations, and typically includes hiring and firing of all Department heads and key personnel.

The City Charter provides that “all heads of departments and members of municipal boards, except the school committee, officials appointed by the governor, and assessors if elected by vote of the people, as their terms of office expire, shall be appointed by the mayor without confirmation by the city council.” Mass. Gen. Law ch. 43, §52. Under the Charter, the City Council’s authority is limited largely to a check on the Mayor’s executive function through the power of appropriation. The Mayor has veto powers over all orders, ordinances, resolutions and votes of the City Council. Under the City Charter the Mayor is head of the executive branch of government. Mass. Gen. Law ch. 43, §48.

As such, the Mayor is charged with the administrative duties of City government, including the supervision of subordinate officers in the discharge of their duties and numerous powers of appointment. Where similar powers exist in Boston, the Supreme Judicial Court has ruled that: “[t]hese grants of authority and responsibility to the mayor necessarily imply grants of implicit power to carry out the authority expressly conferred.” *City Council of Boston v. Mayor of Boston*, 383 Mass. 716, 721 (1981). The new amendment, solely with regard to its attempt to strip the Mayor of his existing authority to grant waivers as to department heads and deputies, and not with regard to the notification provisions, violates the powers of appointment implicit in the City’s Charter that are vested in the Mayor, and cannot be enacted by the City Council without the consent of the Mayor.

In general, once a waiver is granted, it is in the sound discretion of the Mayor to continue the waiver or change the terms and conditions of the waiver, and each must be reviewed on a case by case basis to determine what category the employment position is in, and whether the removal of the waiver is justified.

As such, any additional proposal to limit waivers granted by the Mayor, as proposed with regard to prospective waivers, would also violate the powers of appointment implicit in the City’s Charter that are vested in the Mayor, and cannot be enacted by the City Council without the consent of the Mayor.

Section 10 of Chapter 73 (“the certificate provision”), states that once every year “every person subject to this article shall file with his or her department head, or like officer, a certificate, signed under the pains and penalties of perjury, stating his or her name and place of residence.” *Rev. Ord. of Springfield*, Chapter 73 § 13(A). Any employee who either fails to file a residency certificate or certifies that they live outside of the City of Springfield will be terminated from the City’s employment. *Rev. Ord. of Springfield*, Chapter 73 § 13(B). However, the penalties articulated in subsection B of Chapter 73 § 13 do not apply to those individuals who have been granted a waiver. “This subsection shall not apply to employees exempted from the residency ordinance as provided for in this article.” *Rev. Ord. of Springfield*, Chapter 73 § 13(B).

2. Eliminating existing waivers as well as the Mayor's discretionary authority to grant future waivers would expose the City to lawsuits and a likelihood of substantial damages.

Any blanket rule eliminating waivers with retroactive application would be unconstitutional due to the fact that Article I, § 10 of the U.S. Constitution provides that, "No State shall . . . pass any . . . Law impairing the Obligation of Contracts." This prohibition applies to "every form in which the legislative power of a State is exerted, whether it be a constitution, a constitutional amendment, an enactment of the legislature, by a by-law or ordinance of a municipal regulation" See *Arriaga v. Members of Board of Regents*, 825 F. Supp. 1, 4 (D. Mass. 1992).

In light of the various categories, reasons for waivers, and right to a hearing, any blanket ordinance change intended to take away or limit the Mayor's current authority for all categories would not provide an effective means of managing residency in the City and would be detrimental to the financial stability of the City as it would expose the City to lawsuits and a likelihood of substantial damages.

Those employees, who are not exempt as teachers, public safety officers, or under a collective bargaining agreement, fall under several different categories including: civil service, collective bargaining, non-civil service, non-collective bargaining, and contract employees. Under the provisions of Chapter 31, the state Civil Service Law, "except for just cause . . . a tenured employee shall not be discharged, removed, suspended for a period of more than five days, laid off, transferred from his position without his written consent." Mass. Gen. Law ch. 31, §41. The policy reason for such requirements is the civil service law's objective of protecting public employees from partisan political control. *Gloucester v. Civil Service Com.*, 408 Mass. 292, 299 (1990). Similarly, any employee covered by a collective bargaining agreement is protected by a "just cause" provision, as are most employees employed pursuant to a contract.

In addition, a hearing is required prior to any such change where an employee has "just cause" rights. See *Board of Regents v. Roth*, 408 U.S. 564, 569 (1972). The remaining employees would be a small group, but even those employees would typically be entitled to some form of a hearing prior to any form of deprivation, resulting from the non-tenured employee being stigmatized in the course of a decision to terminate his or her employment. See *Smith v. Commissioner of Mental Retardation*, 409 Mass. 545, 550 (1991). Any affected employee would be entitled to various forms of administrative or judicial review of any determination that was unfavorable. Any review would need to assure that the adverse employment action was not arbitrary, capricious or constituted a deprivation, or attempt to deprive, the employee of rights protected by state or federal laws or the state or federal Constitutions.

As this office has recommended in the past, the most effective means of assuring that a decision based solely on the failure of the employee to be a resident of the City does not

Residency Waiver Change

July 19, 2013

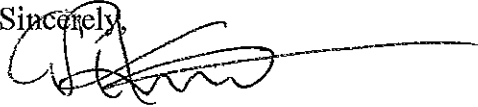
Page 10

result in an award of damages, is to provide substantial evidence that residency, as a requirement of employment, is a sound and valid criteria.

At this time, the City has not funded any study that would provide legitimate support for requiring residency for the limited number of employees that the current ordinance applies too, while exempting all others. Until such time as such evidence is available, any blanket attempt to limit the Mayor's authority in this regard is not only in violation of the City Charter, but to the extent that it results in an employment termination, is likely to result in litigation exposing the City to the inefficient utilization of existing resources to defend against such claims as well as substantial damages.

As the Mayor has been presented a proposed Amendment to the Ordinances, I will send a copy of this opinion for his consideration.

Sincerely,



EDWARD M. PIKULA, Esq.
City Solicitor

cc: Mayor

Attachment: VETO RESIDENCY MAYOR [Revision 1] (ORD-2013-3 : VETO OVERRIDE - Residency Requirements - Chapter 73)



City of Springfield

TABLED

Meeting: 08/19/13 06:00 PM
Initiator: Patrick Greenhalgh
Sponsors: Mayor Domenic J. Sarno
DOC ID: 2270 A

3.1

Appropriation of \$104,130 for Eminent Domain Takings for Boston Road Project (Mayor Sarno)

WHEREAS, the Department of Public Works has requested that the Springfield City Council approve an Order of Taking authorizing the eminent domain takings of (i) forty-six (46) permanent easements over portions of Boston Road, Parker Street, and Fernbank Road and (ii) fifty-five (55) temporary easement over portions of properties located on Boston Road, Fernbank Road and Parker Street, all as more particularly described on the attached Exhibit A and in the Order of Taking; and

WHEREAS, such takings are necessary to obtain all "rights of way" necessary for the Transportation Improvement Project at Boston Road, 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 will use Chapter 90 funds 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 One Hundred Four Thousand One Hundred Thirty and 00/100 Dollars (\$104,130.00) for the payment of damages for the anticipated taking of forty-six (46) permanent easements and the taking of fifty-five (55) temporary construction easements over parcels of land on Boston Road, Fernbank Road and Parker Street, as described in the Order of Taking, for the purposes of constructing and maintaining the Transportation Improvement Project, on Boston Road, to be paid from the following account:

Account # 23294000-576400-32913
Chapter 90 Appropriation Account - \$104,130.

Order (ID # 2270)

Meeting of August 19, 2013

FINANCIAL IMPACT:

The Order appropriates \$104,130 for damages for the eminent domain taking of easements for the Boston Road Traffic Project.



City of Springfield

TABLED

Meeting: 08/19/13 06:00 PM
Initiator: Patrick Greenhalgh
Sponsors: Mayor Domenic J. Sarno
DOC ID: 2268 A

3.2

Order of Taking of Easements for Boston Road Traffic Project (Mayor Sarno)

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, forty-six (46) permanent easements at Boston Road, Fernbank Road described herein (E-1, E-2, E-3, E-4, E-5, E-6, E-7, E-9, E-10, E-11, E-12, E-13, E-14, E-15, E-16, E-17, E-18, E-19, E-22, E-23, E-24, E-25, E-26, E-27, E-28, E-29, E-30, E-31, E-32, E-33, E-34, E-35, E-36, E-37, E-38, E-39, E-40, E-41, E-42, E-43, E-44, E-45, E-46, E-48, E-49 and E-50) and fifty-five (55) temporary construction easements described herein (TE-1, TE-2, TE-3, TE-4, TE-5, TE-6, TE-7, TE-8, TE-9, TE-10, TE-11, TE-12, TE-13, TE-14, TE-15, TE-16, TE-17, TE-18, TE-19, TE-20, TE-21, TE-22, TE-23, TE-24, TE-25, TE-26, TE-27, TE-28, TE-29, TE-30, TE-31, TE-32, TE-33, TE-34, TE-35, TE-36, TE-37, TE-38, TE-39, TE-40, TE-41, TE-42, TE-43, TE-44, TE-45, TE-46, TE-47, TE-48, TE-49, TE-50, TE-51, TE-52, TE-53, TE-54 and TE-55), 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 "Boston Road - Phase 1" ("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, but excluding commercial signs, affixed to said land, excepting easements, rights, and interests specifically reserved herein.

The permanent easements taken referred to as E-1, E-2, E-3, E-4, E-5, E-6, E-7, E-9, E-10, E-11, E-12, E-13, E-14, E-15, E-16, E-17, E-18, E-19, E-22, E-23, E-24, E-25, E-26, E-27, E-28, E-29, E-30, E-31, E-32, E-33, E-34, E-35, E-36, E-37, E-38, E-39, E-40, E-41, E-42, E-43, E-44, E-45, E-46, E-48, E-49, E-50, are shown on plans entitled "Boston Road - Phase 1" ("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, TE-8, TE-9, TE-10, TE-11, TE-12, TE-13, TE-14, TE-15, TE-16, TE-17, TE-18, TE-19, TE-20, TE-21, TE-22, TE-23, TE-24, TE-25, TE-26, TE-27, TE-28, TE-29, TE-30, TE-31, TE-32, TE-33, TE-34, TE-35, TE-36, TE-37, TE-38, TE-39, TE-40, TE-41, TE-42, TE-43, TE-44, TE-45, TE-46, TE-47, TE-48, TE-49, TE-50, TE-51, TE-52, TE-53, TE-54, and TE-55 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 "Boston Road - Phase 1", 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:

A portion of a parcel of land located at 1260 Boston Road, Springfield, Massachusetts, now or formerly of Tanners-Springfield Associates Trust, containing an area of 414 square feet, more or less, and bounded and described as follows:

Beginning at a point on the northwesterly side of Boston Road along a certain permanent easement for highway purposes recorded in Book 9629 Page 356 of the Hampden County Registry of Deeds, said point lying N 11°-12'-18" W, 31.45 feet from baseline station 13+26.19;

Thence N 11°-02'-45" W through land of the grantor, 6.14 feet to a point;

Thence N 78°-57'-15" E through land of the grantor, 30.67 feet to a point of curvature;

Thence generally northeasterly through land of the grantor on a curve to the left having a radius of 25.00 feet, a length of 32.50 feet to a point of tangency;

Thence N 04°-27'-33" E through land of the grantor, 20.55 feet to a point on the westerly side of said permanent easement;

Thence S 11°-51'-22" E along the westerly side of said permanent easement, 10.81 feet to a point of tangency;

Thence generally southwesterly on a curve to the right along the northwesterly side of said permanent easement having a radius of 33.00 feet, a length of 52.32 feet to a point of tangency;

Thence S 78°-58'-59" W along the northerly side of said permanent easement, 27.39 feet to the point of beginning.

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 "Boston Road - Phase 1", 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;

A portion of a parcel of land located at 1260 Boston Road, Springfield, Massachusetts, now or formerly of Tanners-Springfield Associates Trust, containing an area of 96 square feet, more or less, and bounded and described as follows:

Beginning at a point on the southwesterly side of Pasco Road along a certain permanent easement for highway purposes recorded in Book 9629 Page 356 of the Hampden County Registry of Deeds, said point lying S 75°-28'-43" W, 42.50 feet from baseline station 100+88.37;

Thence N 14°-31'-17" W through land of the grantor, 179.50 feet to a point;

Thence N 78°-15'-33" E bounded northwesterly by land now or formerly of Route 20 Color Tile, LLC, 0.93 feet to a point on the southwesterly side of said permanent easement;

Thence S 14°-16'-16" E along the southwesterly side of said permanent easement, 176.06 feet to a point;

Thence S 11°-51'-22" E along the southwesterly side of said permanent easement, 3.40 feet to the point of beginning.

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 "Boston Road - Phase 1", 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;

A portion of a parcel of land located at 1244 Boston Road, Springfield, Massachusetts, now or formerly of Route 20 Color Tile, LLC, containing an area of 32 square feet, more or less, and bounded and described as follows:

Beginning at a point on the southwesterly side of Pasco Road along a certain permanent easement for highway purposes recorded in Book 9629 Page 356 of

the Hampden County Registry of Deeds, said point lying S 76°-19'-09" W, 41.75 feet from baseline station 102+67.19;

Thence S 78°-15'-33" W bounded southeasterly by land now or formerly of Tanners-Springfield Associates Trust, 0.93 feet to a point;

Thence N 13°-45'-03" W through land of the grantor, 39.89 feet to a point;

Thence N 75°-43'-44" E through land of the grantor, 0.56 feet to a point along the southwesterly side of said permanent easement;

Thence S 14°-16'-16" E along the southwesterly side of said permanent easement, 39.93 feet to the point of beginning. 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-4

It is ORDERED, that a permanent easement for purposes of constructing and maintaining improvements to certain ways in the City of Springfield, for the "Boston Road - Phase 1", is hereby taken in the parcel of land described as Parcel E-4 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;

A portion of a parcel of land located at 1257 Boston Road, Springfield, Massachusetts, now or formerly of Tony Vo, containing an area of 41 square feet, more or less, and bounded and described as follows:

Beginning at a point on the southeasterly side of Boston Road along a certain permanent easement for highway purposes recorded in Book 9629 Page 356 of the Hampden County Registry of Deeds, said point lying S 11°-12'-18" E, 46.77 feet from baseline station 13+41.43;

Thence N 78°-55'-00" E along the southeasterly side of said permanent easement, 9.66 feet to a point;

Thence S 10°-53'-42" E through land of the grantor, 4.21 feet to a point;

Thence S 78°-47'-42" W through land of the grantor, 9.64 feet to a point;

Thence N 11°-12'-18" W through land of the grantor, 4.23 feet to the point of beginning.

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-5

It is ORDERED, that a permanent easement for purposes of constructing and maintaining improvements to certain ways in the City of Springfield, for the "Boston Road - Phase 1", is hereby taken in the parcel of land described as Parcel E-5 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 but excluding commercial signs;

A portion of a parcel of land located at 1267 Boston Road, Springfield, Massachusetts, now or formerly of K A Realty Trust, containing an area of 324 square feet, more or less, and bounded and described as follows:

Beginning at a point on the southeasterly side of Boston Road along a certain permanent easement for highway purposes recorded in Book 9629 Page 356 of the Hampden County Registry of Deeds, said point lying S 11°-12'-18" E, 46.92 feet from baseline station 14+05.28;

Thence N 78°-55'-51" E along the southeasterly side of said permanent easement, 61.25 feet to a point;

Thence S 14°-05'-55" E, along the westerly side of Wrentham Road, 5.73 feet to a point;

Thence S 79°-46'-26" W through land of the grantor, 61.63 feet to a point;

Thence N 10°-13'-34" W through land of the grantor, 4.82 feet to the point of beginning.

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-6

It is ORDERED, that a permanent easement for purposes of constructing and maintaining improvements to certain ways in the City of Springfield, for the "Boston Road - Phase 1", is hereby taken in the parcel of land described as Parcel E-6 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;

A portion of a parcel of land located at 1284 Boston Road, Springfield, Massachusetts, now or formerly of Abdow Realty Trust, containing an area of 2,294 square feet, more or less, and bounded and described as follows:

Beginning at a point on the northeasterly side of Pasco Road along a certain permanent easement for highway purposes recorded in Book 9629 Page 356 of the Hampden County Registry of Deeds, said point lying N 75°-28'-43" W, 25.83 feet from baseline station 100+86.69;

Thence N 75°-41'-25" E through land of the grantor, 3.53 feet to a point;

Thence S 27°-12'-04" E through land of the grantor, 10.84 feet to a point of curvature;

Thence generally southeasterly through land of the grantor on a curve to the left having a radius of 55.00 feet, a length of 70.90 feet to a point of tangency;

Thence N 78°-56'-40"E through land of the grantor, 112.57 feet to a point;

Thence S 12°-02'-50" E through land of the grantor, 6.18 feet to a point;

Thence N 78°-51'-33" E through land of the grantor, 49.81 feet to a point;

Thence S 11°-03'-20" E, bounded northeasterly by land now or formerly of FL Roberts and Company Incorporated, 3.30 feet to a point on the northwesterly side of said permanent easement;

Thence S 78°-55'-51" W along the northwesterly side of said permanent easement, 186.16 feet to a point of curvature;

Thence generally northwesterly along the northeasterly side of said permanent easement on a curve to the right having a radius of 33.00 feet, a length of 48.67 feet to a point of tangency;

Thence N 16°-33'-38" W, along the northeasterly side of said permanent easement, 29.67 feet to the point of beginning.

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-7

It is ORDERED, that a permanent easement for purposes of constructing and maintaining improvements to certain ways in the City of Springfield, for the "Boston Road - Phase 1", is hereby taken in the parcel of land described as Parcel E-7 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 but excluding commercial signs;

A portion of a parcel of land located at 1285 Boston Road, Springfield, Massachusetts, now or formerly of DIBA, LLC, containing an area of 214 square feet, more or less, and bounded and described as follows:

Beginning at a point on the southeasterly side of Boston Road and the northeasterly side of Wrentham Road along a certain permanent easement for highway purposes recorded in Book 9629 Page 356 of the Hampden County Registry of Deeds, said point lying S 11°-12'-18" E, 47.20 feet from baseline station 15+21.61;

Thence N 78°-55'-51" E along the southeasterly side of said permanent easement, 35.54 feet to a point;

Thence S 64°-21'-51" W through land of the grantor, 24.11 feet to a point;

Thence S 32°-22'-30" W through land of the grantor, 16.36 feet to a point on the northeasterly side of Wrentham Road;

Thence N 14°-05'-55" W along the northeasterly side of Wrentham Road, 17.97 feet to the point of beginning.

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-9

It is ORDERED, that a permanent easement for purposes of constructing and maintaining improvements to certain ways in the City of Springfield, for the "Boston Road - Phase 1", is hereby taken in the parcel of land described as Parcel E-9 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 but excluding commercial signs;

A portion of a parcel of land located on Boston Road, Springfield, Massachusetts, now or formerly of Boston Road/Pasco RT20 Retail, LLC, containing an area of 669 square feet, more or less, and bounded and described as follows:

Beginning at a point on the northwesterly side of Boston Road along a certain permanent easement for highway purposes recorded in Book 9629 Page 356 of the Hampden County Registry of Deeds, said point lying N 10°-56'-05" W, 28.20 feet from baseline station 16+76.33;

Thence N 11°-03'-20" W, bounded southwesterly by land now or formerly of Abdow Realty Trust, 3.30 feet to a point of non-tangent curvature;

Thence generally northeasterly on a curve to the right through land of the grantor having a radius of 5,020.50 feet, a length of 109.50 feet to a point of tangency;

Thence N 80°-18'-53" E through the land of the grantor, 108.76 feet to a point on the southwesterly side of land now or formerly of Mark R. Draymore & Murray Hendel Trustees;

Thence S 11°-03'-20" E bounded northeasterly by said land now or formerly of Mark R. Draymore & Murray Hendel Trustees, 3.14 feet to a point on the northwesterly side of said permanent easement;

Thence S 80°-21'-47" W along the northwesterly side of said permanent easement, 156.63 feet to a point;

Thence S 78°-55'-51" W, along the northwesterly side of said permanent easement, 61.64 feet to the point of beginning.

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-10

It is ORDERED, that a permanent easement for purposes of constructing and maintaining improvements to certain ways in the City of Springfield, for the "Boston Road - Phase 1", is hereby taken in the parcel of land described as Parcel E-10 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 but excluding commercial signs;

A portion of a parcel of land located at 1315 Boston Road, Springfield, Massachusetts, now or formerly of FL Roberts and Company Incorporated, containing an area of 612 square feet, more or less, and bounded and described as follows:

Beginning at a point on the southeasterly side of Boston Road and the northeasterly side of Lucerne Road along a certain permanent easement for highway purposes recorded in Book 9629 Page 356 of the Hampden County Registry of Deeds, said point lying S 09°-49'-34" E, 43.47 feet from baseline station 17+72.87;

Thence N 78°-01'-49" E along the southeasterly side of said permanent easement, 165.81 feet to a point;

Thence N 79°-17'-32" E, along the southeasterly side of said permanent easement, 78.26 feet to a point;

Thence S 11°-03'-20" E, along the southeasterly side of Boston Road, 4.11 feet to a point of non-tangency;

Thence generally southwesterly through land of the grantor on a curve to the left having a radius of 11,966.50 feet, a length of 217.37 feet to a point of tangency;

Thence S 78°-47'-42" W, through land of the grantor, 26.65 feet to a point on the northeasterly side of Lucerne Road;

Thence N 14°-05'-55" W, along the northeasterly side of Lucerne Road, 0.60 feet to the point of beginning.

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-11

It is ORDERED, that a permanent easement for purposes of constructing and maintaining improvements to certain ways in the City of Springfield, for the "Boston Road - Phase 1", is hereby taken in the parcel of land described as Parcel E-11 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;

A portion of a parcel of land located at 1324 Boston Road, Springfield, Massachusetts, now or formerly of Mark R. Draymore & Murry Hendel Trustees, containing an area of 194 square feet, more or less, and bounded and described as follows:

Beginning at a point on the northwesterly side of Boston Road along a certain permanent easement for highway purposes recorded in Book 9629 Page 356 of the Hampden County Registry of Deeds, said point lying N 09°-41'-07" W, 28.36 feet from baseline station 18+93.97;

Thence N 11°-03'-20" W, bounded southwesterly by land now or formerly of F L Roberts and Company Incorporation, 3.14 feet to a point;

Thence N 80°-18'-53" E, through land of the grantor, 79.80 feet to a point on the southwest side of land now or formerly of East Street and Boston Road, LLC;

Thence S 11°-03'-20" E, bounded northeasterly by said land now or formerly of East Street and Boston Road, LLC, 1.49 feet to a point on the northwesterly side of Boston Road;

Thence S 78°-56'-40" W, along the northwesterly side of Boston Road, 69.22 feet to a point;

Thence S 80°-21'-47" W, along the northwesterly side of said permanent easement, 10.56 feet to the point of beginning.

PERMANENT EASEMENT - PARCEL E-12

It is ORDERED, that a permanent easement for purposes of constructing and maintaining improvements to certain ways in the City of Springfield, for the "Boston Road - Phase 1", is hereby taken in the parcel of land described as Parcel E-12 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;

A portion of a parcel of land located at 1340 Boston Road, Springfield, Massachusetts, now or formerly of East Street and Boston Road, LLC, containing an area of 100 square feet, more or less, and bounded and described as follows:

Beginning at a point on the northwesterly side of Boston Road, said point lying N 09°-41'-07" W, 30.01'- feet from baseline station 19+73.72;

Thence N 11°-03'-20" W, bounded southwesterly by land now or formerly of Mark R. Draymore & Murray Hendel Trustees, 1.49 feet to a point;

Thence N 80°-18'-53" E, through land of the grantor, 52.35 feet to a point;

Thence N 09°-58'-05" W, through land of the grantor, 1.09 feet to a point;

Thence N 80°-42'-30" E, through land of the grantor, 30.45 feet to a point;

Thence N 78°-57'-33" E, through land of the grantor, 70.37 feet to a point;

Thence S 10°-55'-59" E, through land of the grantor, 0.38 feet to a point on the northwesterly side of Boston Road;

Thence S 78°-56'-40" W, along the northwesterly side of Boston Road, 153.16 feet to the point of beginning.

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-13

It is ORDERED, that a permanent easement for purposes of constructing and maintaining improvements to certain ways in the City of Springfield, for the "Boston Road - Phase 1", is hereby taken in the parcel of land described as Parcel E-13 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;

A portion of a parcel of land located at 1387 Boston Road, Springfield, Massachusetts, now or formerly of HR-Twenty Corp., containing an area of 38 square feet, more or less, and bounded and described as follows:

Beginning at a point on the southeasterly side of Boston Road, said point lying S 10°-55'-59" E, 58.92 feet from baseline station 26+37.85;

Thence N 78°-56'-40" E, along the southeasterly side of Boston Road, 10.34 feet to a point,;

Thence N 80°-13'-02" E, along the southeasterly side of Boston Road, 42.62 feet to a point, said point being the northwest corner of land now or formerly of Bassar-Kaufman Mass 312, LLC;

Thence S 11°-03'-20" E, bounded northeasterly by said land now or formerly of Bassar-Kaufman Mass 312, LLC, 1.25 feet to a point;

Thence S 81°-19'-13" W, through land of the grantor, 53.00 feet to the point of beginning.

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-14

It is ORDERED, that a permanent easement for purposes of constructing and maintaining improvements to certain ways in the City of Springfield, for the "Boston Road - Phase 1", is hereby taken in the parcel of land described as Parcel E-14 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;

A portion of a parcel of land located at 510 Parker Street, Springfield, Massachusetts, now or formerly of Bassar-Kaufman Mass 312, LLC, containing an area of 139 square feet, more or less, and bounded and described as follows:

Beginning at a point on the southeasterly side of Boston Road, said point lying S 10°-55'-59" E, 59.75 feet from baseline station 26+90.80;

Thence N 80°-13'-02" E, along the southeasterly side of Boston Road, 47.40 feet to a point;

Thence N 78°-56'-40" E, along the southeasterly side of Boston Road, 111.48 feet to a point, said point being the northwest corner of land now or formerly of Harold Bassar & Myron L. Kaufman;

Thence S 36°-44'-28" E, bounded northeasterly by said land now or formerly of Harold Bassar & Myron L. Kaufman, 1.51 feet to a point;

Thence S 79°-17'-11" W, through land of the grantor, 98.27 feet to a point;

Thence S 81°-19'-13" W, through land of the grantor, 13.88 feet to a point on the northeast side of land now or formerly of HR-Twenty Corp.;

Thence N 11°-03'-20" W, bounded southwesterly by said land now or formerly of HR-Twenty Corp., 1.25 feet to the point of beginning.

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-15

It is ORDERED, that a permanent easement for purposes of constructing and maintaining improvements to certain ways in the City of Springfield, for the "Boston Road - Phase 1", is hereby taken in the parcel of land described as Parcel E-15 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;

A portion of a parcel of land located at 1411 Boston Road, Springfield, Massachusetts, now or formerly of Harold Bassar & Myron L. Kaufman Mass 312, LLC, containing an area of 239 square feet, more or less, and bounded and described as follows:

Beginning at a point on the southeasterly side of Boston Road, said point lying S 11°-26'-23" E, 60.86 feet from baseline station 28+01.74;

Thence N 78°-56'-40" E, along the southeasterly side of Boston Road, 37.93 feet to a point of curvature;

Thence generally southeasterly on a curve to the right having a radius of 80.00 feet, a length of 69.04 feet to a point of non-tangency on the southeasterly side of Boston Road in the vicinity of its intersection with the westerly side of Parker Street;

Thence S 34°-42'-34" W, through land of the grantor, 3.79 feet to a point;

Thence N 60°-57'-20" W, through land of the grantor, 37.54 feet to a point of non-tangent curvature;

Thence generally northwesterly through land of the grantor on a curve to the left having a radius of 84.50 feet, a length of 28.30 feet to a point of tangency;

Thence S 79°-17'-11" W, through land of the grantor, 38.89 feet to a point on the northeast side of land now or formerly of Bassar-Kaufman Mass 312, LLC;

Thence N 36°-44'-28" W, along the land now or formally of Bassar-Kaufman Mass 312, LLC, 1.51 feet to the point of beginning.

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-16

It is ORDERED, that a permanent easement for purposes of constructing and maintaining improvements to certain ways in the City of Springfield, for the "Boston Road - Phase 1", is hereby taken in the parcel of land described as Parcel E-16 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;

A portion of a parcel of land located at 493 Parker Street, Springfield, Massachusetts, now or formerly of City of Springfield, containing an area of 128 square feet, more or less, and bounded and described as follows:

Beginning at a point on the southeasterly side of Boston Road at its intersection with the easterly side of Parker Street, said point lying S 11°-54'-55" E, 79.12 feet from baseline station 30+91.08;

Thence S 69°-08'-41" E, along the southeasterly side of Boston Road, 3.22 feet to a point of non-tangent curvature;

Thence generally southwesterly through land of the grantor on a curve to the left having a radius of 134.50 feet, 83.73 feet to a point of non-tangent curvature on the easterly side of Parker Street;

Thence generally northeasterly along the easterly side of Parker Street on a curve to the right having a radius of 130.00 feet, 82.91 feet to the point of beginning.

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-17

It is ORDERED, that a permanent easement for purposes of constructing and maintaining improvements to certain ways in the City of Springfield, for the "Boston Road - Phase 1", is hereby taken in the parcel of land described as Parcel E-17 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;

A portion of a parcel of land located at 1440 Boston Road, Springfield, Massachusetts, now or formerly of Marrewa Realty, Inc., containing an area of 125 square feet, more or less, and bounded and described as follows:

Beginning at a point on the northwesterly side of Boston Road at its intersection with the southeasterly side of Parker Street, said point lying N 11°-54'-55" W, 32.39 feet from baseline station 31+60.27;

Thence generally northwesterly along the southeasterly side of Parker Street on a curve to the right having a radius of 60.00 feet, 99.70 feet to a point of non-tangent curvature;

Thence generally southeasterly on a curve to the left having a radius of 64.50 feet, 97.69 feet to the point of beginning.

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-18

It is ORDERED, that a permanent easement for purposes of constructing and maintaining improvements to certain ways in the City of Springfield, for the "Boston Road - Phase 1", is hereby taken in the parcel of land described as Parcel E-18 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;

A portion of a parcel of land located at 1465 Boston Road, Springfield, Massachusetts, now or formerly of Donald W. Obitz & Lynn R. Obitz, containing an area of 1,647 square feet, more or less, and bounded and described as follows:

Beginning at a point on the southeasterly side of Boston Road, said point lying S 11°-54'-55" E, 63.43 feet from baseline station 32+89.24;

Thence N 77°-10'-00" E, along southeasterly side of Boston Road, 190.98 feet to a point of curvature at the intersection of the southeasterly side of Boston Road with the southwesterly side of Fernbank Road;

Thence generally southeasterly along the southwesterly side of Fernbank Road on a curve to the right having a radius of 40.00 feet, 10.14 feet to a point of non-tangency, said point being the northwest corner of land now or formerly of Sears Roebuck & Co.;

Thence S 04°-15'-58" W, bounded southeasterly by said land now or formerly of Sears Roebuck & Co., 7.36 feet to a point;

Thence S 75°-15'-05" W, through land of the grantor, 39.24 feet to a point;

Thence S 78°-05'-05" W, through land of the grantor, 148.08 feet to a point of non-tangent curvature;

Thence generally northwesterly on a curve to the left having a radius of 60.00 feet, 13.69 feet to the point of beginning.

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-19

It is ORDERED, that a permanent easement for purposes of constructing and maintaining improvements to certain ways in the City of Springfield, for the "Boston Road - Phase 1", is hereby taken in the parcel of land described as Parcel E-19 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;

A portion of a parcel of land located at 1525 Boston Road, Springfield, Massachusetts, now or formerly of Sears, Roebuck & Co., containing an area of 62 square feet, more or less, and bounded and described as follows:

Beginning at a point on the southwesterly side of Fernbank Road in the vicinity of its intersection with the southeasterly side of Boston Road, said point lying S 11°-54'-55" E, 61.49 feet from baseline station 34+90.25

Thence generally southeasterly along the southwesterly side of Fernbank Road on a curve to the right having a radius of 40.00 feet, a length of 15.24 feet to a point of non-tangency;

Thence S 75°-15'-05" W through land of the grantor, 15.85 feet to a point on the southeast side of land now or formerly of Donald W. Obitz & Lynn R. Obitz;

Thence N 04°15'-58" E, bounded northwesterly by said land now or formerly of Donald W. Obitz & Lynn R. Obitz, 7.36 feet to the point of beginning.

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-22

It is ORDERED, that a permanent easement for purposes of constructing and maintaining improvements to certain ways in the City of Springfield, for the "Boston Road - Phase 1", is hereby taken in the parcel of land described as Parcel E-22 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 but excluding commercial signs;

A portion of a parcel of land located at 1525 Boston Road, Springfield, Massachusetts, now or formerly of Sears, Roebuck & Co., containing an area of 318 square feet, more or less, and bounded and described as follows:

Beginning at a point on the northeasterly side of Fernbank Road in the vicinity of its intersection with the southeasterly side of Boston Road, said point lying S 11°-54'-55" E, 63.44 feet from baseline station 35+91.21;

Thence generally northeasterly along the northeasterly side of Fernbank Road on a curve to the right having a radius of 40.00 feet, a length of 19.89 feet to a point of tangency;

Thence N 77°-10'-00" E along the southeasterly side of Boston Road, 124.64 feet to a point;

Thence S 75°14'-10" W through land of the grantor, 143.80 feet to the point of beginning.

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-23

It is ORDERED, that a permanent easement for purposes of constructing and maintaining improvements to certain ways in the City of Springfield, for the "Boston Road - Phase 1", is hereby taken in the parcel of land described as Parcel E-23 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;

A portion of a parcel of land located at 1522 Boston Road, Springfield, Massachusetts, now or formerly of Rehold Springfield LLC, containing an area of 309 square feet, more or less, and bounded and described as follows:

Beginning at a point on the northwesterly side of Boston Road, said point lying

N 11°-54'-55" W, 39.21 feet from baseline station 40+52.50;

Thence generally northeasterly through land of the grantor on a curve to the right having a radius of 25.50 feet, a length of 10.84 feet to a point of reverse curvature;

Thence generally northeasterly through land of the grantor on a curve to the left having a radius of 1,258.50 feet, a length of 28.63 feet to a point of non- tangency;

Thence N 13°-20'-46" W through land of the grantor, 5.00 feet to a point;

Thence N 76°-20'-31" E through land of the grantor, 13.65 feet to a point;

Thence S 13°-58'-12" E through land of the grantor, 5.00 feet to a point of non-tangent curvature;

Thence generally northeasterly through land of the grantor on a curve to the left having a radius of 1,258.50 feet, a length of 37.59 feet to a point of reverse curvature;

Thence generally southeasterly through land of the grantor on a curve to the right having a radius of 25.50 feet, a length of 13.41 feet to a point of curvature on the northwesterly side of Boston Road;

Thence generally southwesterly along the northwesterly side of Boston Road on a curve to the right having a radius of 1,200.00 feet, a length of 46.86 feet to a point of tangency;

Thence S 77°-17'-10" W, along the northwesterly side of Boston Road, 56.55 feet to the point of beginning.

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-24

It is ORDERED, that a permanent easement for purposes of constructing and maintaining improvements to certain ways in the City of Springfield, for the "Boston Road - Phase 1", is hereby taken in the parcel of land described as Parcel E-24 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 but excluding commercial signs;

A portion of a parcel of land located at 1525 Boston Road, Springfield, Massachusetts, now or formerly of Sears, Roebuck & Co., containing an area of 4,050 square feet, more or less, and bounded and described as follows:

Beginning at a point on the southeasterly side of Boston Road, said point lying

S 22°-59'-47" E, 60.11 feet from baseline station 43+11.39;

Thence N 63°-57'-30" E along the southeasterly side of Boston Road, 238.92 feet to a point;

Thence N 03°-25'-20" W along the southeasterly side of Boston Road, 11.14 feet to a point;

Thence N 63°-11'-23" E along the southeasterly side of Boston Road, 42.88 feet to a point;

Thence S 11°-48'-36" E along the southeasterly side of Boston Road, 50.00 feet to a point;

Thence N 78°-11'-24" E along the southeasterly side of Boston Road, 60.00 feet to a point;

Thence S 11°-02'-45" E through land of the grantor, 21.93 feet to a point;

Thence S 78°-57'-15" W through land of the grantor, 76.55 feet to a point;

Thence N 11°-02'-45" W through land of the grantor, 6.94 feet to a point of curvature;

Thence generally northwesterly through land of the grantor on a curve to the left having a radius of 34.77 feet, a length of 39.34 feet to a point of non-tangency;

Thence S 72°-53'-02" W through land of the grantor, 51.21 feet to a point;

Thence S 64°27'-27" W through land of the grantor, 126.36 feet to a point of curvature;

Thence generally southwesterly through land of the grantor on a curve to the right having a radius of 806.50 feet, a length of 66.09 feet to the point of beginning.

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-25

It is ORDERED, that a permanent easement for purposes of constructing and maintaining improvements to certain ways in the City of Springfield, for the "Boston Road - Phase 1", is hereby taken in the parcel of land described as Parcel E-25 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 but excluding commercial signs;

A portion of a parcel of land located at 1525 Boston Road, Springfield, Massachusetts, now or formerly of Sears, Roebuck & Co., containing an area of 818 square feet, more or less, and bounded and described as follows:

Beginning at a point on the southeasterly side of Boston Road, said point lying S 26°-36'-44" E, 49.19 feet from baseline station 46+55.94;

Thence N 63°-11'-23" E along the southerly side of Boston Road, 389.31 feet to a point, said point being the northwest corner of land now or formerly of The May Department Stores Company;

Thence S 12°-04'-29" E, along said land now or formerly of The May Department Stores Company, 1.71 feet to a point;

Thence S 63°-23'-16" W through land of the grantor, 336.32 feet to a point;

Thence S 26°-48'-37" E through land of the grantor, 4.50 feet to a point;

Thence S 63°-22'-55" W through land of the grantor, 34.28 feet to a point;

Thence S 27°-36'-35" W through land of the grantor, 23.56 feet to a point;

Thence S 01°-07'-19" W through land of the grantor, 17.73 feet to a point on the southeasterly side of Boston Road;

Thence N 11°-48'-36" W, along the southeasterly side of Boston Road, 35.45 feet to the point of beginning.

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-26

It is ORDERED, that a permanent easement for purposes of constructing and maintaining improvements to certain ways in the City of Springfield, for the "Boston Road - Phase 1", is hereby taken in the parcel of land described as Parcel E-26 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;

A portion of a parcel of land located at 1560 Boston Road, Springfield, Massachusetts, now or formerly of Lowe's Home Centers, Inc., containing an area of 2,549 square feet, more or less, and bounded and described as follows:

Beginning at a point on the northwesterly side of Boston Road, said point lying

N 26°-36'-44" W, 45.63 feet from baseline station 45+74.56;

Thence N 01°-58'-06" W through land of the grantor, 63.54 feet to a point;

Thence N 87°-50'-46" E through land of the grantor, 32.35 feet to a point on the westerly side of land now or formerly of Windalier Springdale Mall LLC;

Thence S 05°-01'-35" E, bounded easterly by land now or formerly of Windalier Springdale Mall LLC and land now or formerly of City of Springfield, in part by each, 23.06 feet to a point;

Thence S 26°-49'-40" E, bounded northeasterly by said land now or formerly of City of Springfield, 40.00 feet to a point on the northwesterly side of Boston Road;

Thence S 63°-10'-20" W, along the northwesterly side of Boston Road, 38.00 feet to a point;

Thence N 03°-30'-58" W, along the northwesterly side of Boston Road, 21.64 feet to a point;

Thence S 54°-58'-47" W, along the northwesterly side of Boston Road, 18.29 feet to the point of beginning.

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-27

It is ORDERED, that a permanent easement for purposes of constructing and maintaining improvements to certain ways in the City of Springfield, for the "Boston Road - Phase 1", is hereby taken in the parcel of land described as Parcel E-27 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;

A portion of a parcel of land located at 1686 Boston Road, Springfield, Massachusetts, now or formerly of Springsan Company, LLC, containing an area of 1,307 square feet, more or less, and bounded and described as follows:

Beginning at a point on the northwesterly side of Boston Road, said point lying

N 34°-25'-48" W, 81.67 feet from baseline station 54+91.86;

Thence N 34°-24'-40" W through land of the grantor, 17.66 feet to a point;

Thence N 55°-35'-20" E through land of the grantor, 74.00 feet to a point on the southwesterly side of land now or formerly of Haymarket Square Associates Limited Partnership;

Thence S 34°-24'-40" E through land of the grantor, 17.66 feet to a point;

Thence S 55°-35'-20" W, along the northwesterly side of Boston Road, 74.00 feet to the point of beginning.

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-28

It is ORDERED, that a permanent easement for purposes of constructing and maintaining improvements to certain ways in the City of Springfield, for the "Boston Road - Phase 1", is hereby taken in the parcel of land described as Parcel E-28 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;

A portion of a parcel of land located at 1600 Boston Road, Springfield, Massachusetts, now or formerly of Windalier Springdale Mall LLC, containing an area of 4,464 square feet, more or less, and bounded and described as follows:

Beginning at a point on the northwesterly side of Boston Road, said point lying

N 26°-36'-44" W, 28.66 feet from baseline station 46+53.16, said point being the southeast corner of land now or formerly of City of Springfield,

Thence N 26°-49'-40" W, bounded southwesterly by said land now or formerly of City of Springfield, 50.00 feet to a point;

Thence S 63°-10'-20" W, bounded southeasterly by land now or formerly of City of Springfield, 27.00 feet to a point;

Thence N 05°-01'-35" W, bounded westerly by land now or formerly of Lowe's Home Centers, Inc., 12.29 feet to a point;

Thence N 87°-50'-46" E through land of the grantor, 29.56 feet to a point;

Thence S 49°-59'-47" E through land of the grantor, 26.74 feet to a point;

Thence N 76°-54'-22" E through land of the grantor, 26.82 feet to a point;

Thence S 38°-25'-23" E through land of the grantor, 5.55 feet to a point;

Thence N 63°-23'-16" E through land of the grantor, 192.76 feet to a point;

Thence N 26°-36'-44" W through land of the grantor, 1.62 feet to a point;

Thence N 63°-19'-22" E through land of the grantor, 8.90 feet to a point;

Thence S 28°-05'-41" E through land of the grantor, 1.63 feet to a point of non-tangent curvature;

Thence generally northeasterly through land of the grantor on a curve to the right having a radius of 205.50 feet, a length of 18.36 feet to a point of tangency;

Thence N 68°-25'-25" E through land of the grantor, 46.51 feet to a point on the southwest side of land now or formerly of John Stanley Banas & Josephine Frances;

Thence S 15°-03'-35" E, bounded northeasterly by said land now or formerly of John Stanley Banas & Josephine Frances, 6.93 feet to a point on the northwesterly side of Boston Road;

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-29

It is ORDERED, that a permanent easement for purposes of constructing and maintaining improvements to certain ways in the City of Springfield, for the "Boston Road - Phase 1", is hereby taken in the parcel of land described as Parcel E-29 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;

A portion of a parcel of land located at 1685 Boston Road, Springfield, Massachusetts, now or formerly of The May Department Stores Company, containing an area of 2,647 square feet, more or less, and bounded and described as follows:

Beginning at a point on the southeasterly side of Boston Road, said point lying

S 26°-36'-44" E, 47.84 feet from baseline station 50+45.25, said point being the northeast corner of land now or formerly of Sears, Roebuck & Co.;

Thence N 63°-11'-23" E along the southeasterly side of Boston Road, 70.12 feet to a point;

Thence N 55°-35'-20" E along the southeasterly side of Boston Road, 368.70 feet to a point;

Thence S 11°-49'-58" E along the southeasterly side of Boston Road, 13.97 feet to a point;

Thence S 59°-04'-46" W through land of the grantor, 101.28 feet to a point;

Thence S 56°-10'-40" W through land of the grantor, 235.40 feet to a point;

Thence S 60°-48'-50" W through land of the grantor, 98.66 feet to a point on the northeast side of land now or formerly of Sears, Roebuck & Co.;

Thence N 12°-04'-29" W, bounded southwesterly by said land now or formerly of Sears, Roebuck & Co., 4.98 feet to the point of beginning.

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-30

It is ORDERED, that a permanent easement for purposes of constructing and maintaining improvements to certain ways in the City of Springfield, for the "Boston Road - Phase 1", is hereby taken in the parcel of land described as Parcel E-30 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;

A portion of a parcel of land located at 1630 Boston Road, Springfield, Massachusetts, now or formerly of Josephine Frances Banas, containing an area of 384 square feet, more or less, and bounded and described as follows:

Beginning at a point on the northwesterly side of Boston Road, said point lying N 26°-36'-44" W, 29.82 feet from baseline station 49+60.21, said point being the southeast corner of land now or formerly of Windalier Springdale Mall LLC;

Thence N 15°-03'-35" W, bounded southwesterly by said land now or formerly of Windalier Springdale Mall LLC, 6.93 feet to a point;

Thence N 68°-13'-18" E through land of the grantor, 59.30 feet to a point;

Thence N 63°-32'-52" E through land of the grantor, 40.37 feet to a point of curvature;

Thence generally northeasterly through land of the grantor on a curve to the left having a radius of 866.50 feet, a length of 49.38 feet to a point of non-tangency on the southwest side of land now or formerly of BFS Retail & Commercial Operations, LLC;

Thence S 15°-03'-35" E, bounded northeasterly by said land now or formerly of BFS Retail & Commercial Operations, LLC, 2.58 feet to a point on the northwesterly side of Boston Road;

Thence S 63°-10'-20" W, along the northwesterly side of Boston Road, 149.70 feet to the point of beginning.

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-31

It is ORDERED, that a permanent easement for purposes of constructing and maintaining improvements to certain ways in the City of Springfield, for the "Boston Road - Phase 1", is hereby taken in the parcel of land described as Parcel E-31 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;

A portion of a parcel of land located on the northwest side of Boston Road between 1630 Boston Road and 1686 Boston Road, Springfield, Massachusetts, now or formerly of BFS Retail & Commercial Operations, LLC, containing an area of 48 square feet, more or less, and bounded and described as follows:

Beginning at a point on the northwesterly side of Boston Road, said point lying

N 29°-50'-03" W, 29.00 feet from baseline station 51+11.56, said point being the southeast corner of land now or formerly of John Stanley Banas & Josephine Frances;

Thence N 15°-03'-35" W, bounded northwesterly by said land now or formerly of John Stanley Banas & Josephine Frances, 2.58 feet to a point;

Thence generally northeasterly through land of the grantor on a curve to the left having a radius of 866.50 feet, a length of 46.69 feet to a point on the northwesterly side of Boston Road;

Thence S 55°-35'-20" W, along the northwesterly side of Boston Road, 47.47 feet to the point of beginning.

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-32

It is ORDERED, that a permanent easement for purposes of constructing and maintaining improvements to certain ways in the City of Springfield, for the "Boston Road - Phase 1", is hereby taken in the parcel of land described as Parcel E-32 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 but excluding commercial signs;

A portion of a parcel of land located at 1722 Boston Road, Springfield, Massachusetts, now or formerly of Haymarket Square Associates, Limited Partnership, containing an area of 1,050 square feet, more or less, and bounded and described as follows:

Beginning at a point on the northwesterly side of Boston Road, said point lying

N 34°-25'-48" W, 41.64 feet from baseline station 55+95.85;

Thence generally northwesterly along the northwesterly side of Boston Road on a curve to the right having a radius of 30.00 feet, a length of 18.38 feet to a point of non-tangency;

Thence N 55°-34'-12" E through land of the grantor, 186.25 feet to a point;

Thence N 70°-16'-50" E through land of the grantor, 21.75 feet to a point on the northwesterly side of Boston Road;

Thence S 55°-35'-20" W, along the northwesterly side of Boston Road, 190.04 feet to the point of beginning.

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-33

It is ORDERED, that a permanent easement for purposes of constructing and maintaining improvements to certain ways in the City of Springfield, for the "Boston Road - Phase 1", is hereby taken in the parcel of land described as Parcel E-33 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;

A portion of a parcel of land located at 1719 Boston Road, Springfield, Massachusetts, now or formerly of JCP Partners, LLC, containing an area of 2,811 square feet, more or less, and bounded and described as follows but excluding commercial signs:

Beginning at a point on the southeasterly side of Boston Road, said point lying

S 34°-25'-48" E, 46.34 feet from baseline station 55+42.45;

Thence N 55°-35'-20" E along the southeasterly side of Boston Road, 535.17 feet to a point of non-tangent curvature;

Thence generally southwesterly through land of the grantor on a curve to the right having a radius of 15,020.50 feet, a length of 299.27 feet to a point of tangency;

Thence S 55°-34'-12" W through land of the grantor, 170.03 feet to a point;

Thence S 34°-25'-48" E through land of the grantor, 4.00 feet to a point;

Thence S 55°-34'-12" W through land of the grantor, 22.55 feet to a point;

Thence S 23°-15'-16" W through land of the grantor, 58.99 feet to a point;

Thence S 11°-58'-13" E through land of the grantor, 36.72 feet to a point;

Thence S 78°-09'-07" W through land of the grantor, 8.94 feet to a point on the southeasterly side of Boston Road;

Thence N 11°-49'-58" W along the southeasterly side of Boston Road, 74.95 feet to the point of beginning.

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-34

It is ORDERED, that a permanent easement for purposes of constructing and maintaining improvements to certain ways in the City of Springfield, for the "Boston Road - Phase 1", is hereby taken in the parcel of land described as Parcel E-34 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;

A portion of a parcel of land located at 1750 Boston Road, Springfield, Massachusetts, now or formerly of Haymarket Square Associates Limited Partnership, containing an area of 248 square feet, more or less, and bounded and described as follows:

Beginning at a point on the northwesterly side of Boston Road, said point lying

N 34°-48'-48" W, 31.05 feet from baseline station 60+90.10;

Thence N 21°-05'-00" W, along the northwesterly side of Boston Road, 0.98 feet to a point;

Thence N 55°-11'-12" E through land of the grantor, 162.70 feet to a point on the southwesterly side of land now or formerly of Susan A. Shapiro;

Thence S 31°-01'-40" E, bounded northeasterly by said land now or formerly of Susan A. Shapiro, 2.10 feet to a point on the northwesterly side of Boston Road;

Thence S 55°-35'-20" W, along the northwesterly side of Boston Road, 162.80 feet to the point of beginning.

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-35

It is ORDERED, that a permanent easement for purposes of constructing and maintaining improvements to certain ways in the City of Springfield, for the "Boston Road - Phase 1", is hereby taken in the parcel of land described as Parcel E-35 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 but excluding commercial signs;

A portion of a parcel of land located at 1755 Boston Road, Springfield, Massachusetts, now or formerly of 1755 Boston Road, Springfield, MA LLC, containing an area of 782 square feet, more or less, and bounded and described as follows:

Beginning at a point on the southeasterly side of Boston Road, said point lying

S 34°-48'-48" E, 44.19 feet from baseline station 62+31.15;

Thence N 10°-34'-16" W, along the southeasterly side of Boston Road, 9.02 feet to a point;

Thence N 55°-35'-20" E along the southeasterly side of Boston Road, 121.18 feet to a point of curvature;

Thence generally southeasterly along the southeasterly side of Boston Road on a curve to the right having a radius of 15.00 feet, a length of 11.55 feet to a point of non-tangency;

Thence generally southwesterly through land of the grantor on a curve to the left having a radius of 2,966.50 feet, a length of 65.30 feet to a point of tangency;

Thence S 53°-35'-01" W through land of the grantor, 70.03 feet to the point of beginning.

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-36

It is ORDERED, that a permanent easement for purposes of constructing and maintaining improvements to certain ways in the City of Springfield, for the "Boston Road - Phase 1", is hereby taken in the parcel of land described as Parcel E-36 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 but excluding commercial signs;

A portion of a parcel of land located at 1760 Boston Road, Springfield, Massachusetts, now or formerly of Susan A. Shapiro, containing an area of 298 square feet, more or less, and bounded and described as follows:

Beginning at a point on the northwesterly side of Boston Road, said point lying

N 34°-48'-48" W, 29.90 feet from baseline station 62+52.90, said point being the southeast corner of land now or formerly of Haymarket Square Associates Limited Partnership;

Thence N 31°-01'-40" W, bounded southwesterly by said land now or formerly of Haymarket Square Associates Limited Partnership, 2.10 feet to a point;

Thence N 55°-11'-12" E through land of the grantor, 118.46 feet to a point on the southwest side of land now or formerly of Draymore Properties Limited Partnership;

Thence S 31°-01'-40" E, bounded northeasterly by said land now or formerly of Draymore Properties Limited Partnership, 2.93 feet to a point on the northwesterly side of Boston Road;

Thence S 55°-35'-20" W, along the northwesterly side of Boston Road, 118.41 feet to the point of beginning.

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-37

It is ORDERED, that a permanent easement for purposes of constructing and maintaining improvements to certain ways in the City of Springfield, for the "Boston Road - Phase 1", is hereby taken in the parcel of land described as Parcel E-37 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;

A portion of a parcel of land located at 1770 Boston Road, Springfield, Massachusetts, now or formerly of Draymore Properties Limited Partnership, containing an area of 406 square feet, more or less, and bounded and described as follows:

Beginning at a point on the northwesterly side of Boston Road, said point lying

N 34°-48'-48" W, 29.07 feet from baseline station 63+71.31, said point being the southeast corner of land now or formerly of Susan A. Shapiro;

Thence N 31°-01'-40" W, bounded southwesterly by said land now or formerly of Susan A. Shapiro, 2.93 feet to a point;

Thence N 55°-11'-12" E through land of the grantor, 120.99 feet to a point on the southwest side of land now or formerly of L & L Food Service, Inc.;

Thence S 31°-01'-40" E, bounded northeasterly by said land now or formerly of L & L Food Service, Inc., 3.78 feet to a point on the northwesterly side of Boston Road;

Thence S 55°-35'-20" W, along the northwesterly side of Boston Road, 120.94 feet to the point of beginning.

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-38

It is ORDERED, that a permanent easement for purposes of constructing and maintaining improvements to certain ways in the City of Springfield, for the "Boston Road - Phase 1", is hereby taken in the parcel of land described as Parcel E-38 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;

A portion of a parcel of land located at 1780 Boston Road, Springfield, Massachusetts, now or formerly of L & L Food Service, Inc., containing an area of 418 square feet, more or less, and bounded and described as follows:

Beginning at a point on the northwesterly side of Boston Road, said point lying

N 34°-48'-48" W, 28.22 feet from baseline station 64+92.24, said point being the southeast corner of land now or formerly of Draymore Properties Limited Partnership;

Thence N 31°-01'-40" W, bounded southwesterly by said land now or formerly of Draymore Properties Limited Partnership, 3.78 feet to a point;

Thence N 55°-11'-12" E through land of the grantor, 101.20 feet to a point on the southwesterly side of Hardy Street;

Thence S 31°-01'-40" E along the southwesterly side of Hardy Street, 4.50 feet to a point, said point lying at its intersection with the northwesterly side of Boston Road;

Thence S 55°-35'-20" W, along the northwesterly side of Boston Road, 101.15 feet to the point of beginning.

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-39

It is ORDERED, that a permanent easement for purposes of constructing and maintaining improvements to certain ways in the City of Springfield, for the "Boston Road - Phase 1", is hereby taken in the parcel of land described as Parcel E-39 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 but excluding commercial signs;

A portion of a parcel of land located at 1771 Boston Road, Springfield, Massachusetts, now or formerly of Edward P. Garabedian, containing an area of 439 square feet, more or less, and bounded and described as follows:

Beginning at a point on the southeasterly side of Boston Road, said point lying

S 34°-48'-48" E, 37.37 feet from baseline station 64+34.76, at its intersection with the northeasterly side of Biddle Street;

Thence N 55°-35'-20" E along the southeasterly side of Boston Road, 151.35 feet to a point, said point being the northwest corner of land now or formerly of Armand J. Beaupre & Sharon M. Beaupre;

Thence S 34°-24'-40" E, bounded northeasterly by said land now or formerly of Armand J. Beaupre & Sharon M. Beaupre, 2.18 feet to a point;

Thence S 55°-03'-33" W through land of the grantor, 153.03 feet to a point on the northeasterly side of Biddle Street;

Thence N 09°-23'-50" W, along the northeasterly side of Biddle Street, 3.97 feet to the point of beginning.

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-40

It is ORDERED, that a permanent easement for purposes of constructing and maintaining improvements to certain ways in the City of Springfield, for the "Boston Road - Phase 1", is hereby taken in the parcel of land described as Parcel E-40 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 but excluding commercial signs;

A portion of a parcel of land located at 1791 Boston Road, Springfield, Massachusetts, now or formerly of Armand J. Beaupre & Sharon M. Beaupre, containing an area of 348 square feet, more or less, and bounded and described as follows:

Beginning at a point on the southeasterly side of Boston Road, said point lying

S 34°-48'-48" E, 38.44 feet from baseline station 65+86.11, said point being the northeast corner of land now or formerly of Edward P. Garabedian;

Thence N 55°-35'-20" E along the southeasterly side of Boston Road, 110.62 feet to a point at its intersection with the southwesterly side of Kent Road;

Thence S 20°-03'-19" E along the southwesterly side of Kent Road, 18.44 feet to a point;

Thence N 77°-22'-39" W through land of the grantor, 22.58 feet to a point;

Thence S 55°-03'-33" W through land of the grantor, 90.65 feet to a point on the northeasterly side of land now or formerly of Edward P. Garabedian;

Thence N 34°-24'-40" W, bounded southwesterly by said land now or formerly of Edward P. Garabedian, 2.18 feet to the point of beginning.

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-41

It is ORDERED, that a permanent easement for purposes of constructing and maintaining improvements to certain ways in the City of Springfield, for the "Boston Road - Phase 1", is hereby taken in the parcel of land described as Parcel E-41 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 but excluding commercial signs;

A portion of a parcel of land located at 1800 Boston Road, Springfield, Massachusetts, now or formerly of TD BankNorth, containing an area of 411 square feet, more or less, and bounded and described as follows:

Beginning at a point on the northwesterly side of Boston Road, said point lying

N 34°-10'-54" W, 27.35 feet from baseline station 66+43.18 at its intersection with the northeasterly side of Hardy Street;

Thence N 31°-01'-40" W, along the northeasterly side of Hardy Street, 4.63 feet to a point;

Thence N 56°-49'-41" E through land of the grantor, 125.92 feet to a point on the southwesterly side of land now or formerly of Family Bank FSB;

Thence S 31°-01'-40" E, bounded northeasterly by said land now or formerly of Family Bank FSB, 1.90 feet to a point on the northwesterly side of Boston Road;

Thence S 55°-35'-20" W, along the northerly side of Boston Road, 126.05 feet to the point of beginning.

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-42

It is ORDERED, that a permanent easement for purposes of constructing and maintaining improvements to certain ways in the City of Springfield, for the "Boston Road - Phase 1", is hereby taken in the parcel of land described as Parcel E-42 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;

A portion of a parcel of land located on the northwest side of Boston Road and the southwest side of Stocker Street, Springfield, Massachusetts, now or formerly of TD Bank North, containing an area of 387 square feet, more or less, and bounded and described as follows:

Beginning at a point on the northwesterly side of Boston Road, said point lying N 33°-10'-19" W, 29.60 feet from baseline station 67+68.72, said point being the southeast corner of land now or formerly of Springfield Institution for Savings;

Thence N 31°-01'-40" W, bounded southwesterly by said land now or formerly of Springfield Institution for Savings, 5.09 feet to a point;

Thence N 55°-23'-14" E through land of the grantor, 74.30 feet to a point on the southwesterly side of Stocker Street;

Thence S 31°-01'-40" E along the southwesterly side of Stocker Street, 5.35 feet to a point at its intersection with the northwesterly side of Boston Road;

Thence S 55°-35'-20" W, along the northwesterly side of Boston Road, 74.29 feet to the point of beginning.

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-43

It is ORDERED, that a permanent easement for purposes of constructing and maintaining improvements to certain ways in the City of Springfield, for the "Boston Road - Phase 1", is hereby taken in the parcel of land described as Parcel E-43 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;

A portion of a parcel of land located at 1809 Boston Road, Springfield, Massachusetts, now or formerly of Realty Income Corporation, containing an area of 396 square feet, more or less, and bounded and described as follows:

Beginning at a point on the southeasterly side of Boston Road, said point lying

S 33°-10'-19" E, 36.21 feet from baseline station 67+78.00 at its intersection with the northeasterly side of Kent Road;

Thence N 55°-35'-20" E along the southeasterly side of Boston Road, 91.78 feet to a point;

Thence S 34°-24'-40" E through land of the grantor, 4.26 feet to a point;

Thence S 55°-35'-20" W through land of the grantor, 93.94 feet to a point on the northeasterly side of Kent Road;

Thence N 07°-35'-50" W, along the northeasterly side of Kent Road, 4.78 feet to the point of beginning.

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-44

It is ORDERED, that a permanent easement for purposes of constructing and maintaining improvements to certain ways in the City of Springfield, for the "Boston Road - Phase 1", is hereby taken in the parcel of land described as Parcel E-44 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;

A portion of a parcel of land located at 1828 Boston Road, Springfield, Massachusetts, now or formerly of 1828 Boston Road LLC, containing an area of 58 square feet, more or less, and bounded and described as follows:

Beginning at a point on the northwesterly side of Boston Road, said point lying

N 33°-10'-19" W, 32.29 feet from baseline station 68+93.07 at its intersection with the northeasterly side of Stocker Street;

Thence N 31°-01'-40" W, along the northeasterly side of Stocker Street, 2.99 feet to a point;

Thence N 56°-36'-35" E through land of the grantor, 20.79 feet to a point;

Thence S 34°-24'-40" E through land of the grantor, 2.61 feet to a point on the northwesterly side of Boston Road;

Thence S 55°-35'-20" W, along the northwesterly side of Boston Road, 20.97 feet to the point of beginning.

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-45

It is ORDERED, that a permanent easement for purposes of constructing and maintaining improvements to certain ways in the City of Springfield, for the "Boston Road - Phase 1", is hereby taken in the parcel of land described as Parcel E-45 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 but excluding commercial signs;

A portion of a parcel of land located at 1722 Boston Road, Springfield, Massachusetts, now or formerly of Haymarket Square Associates Limited Partnership, containing an area of 745 square feet, more or less, and bounded and described as follows:

Beginning at a point on the northwesterly side of Boston Road, said point lying

N 34°-25'-48" W, 31.57 feet from baseline station 58+20.15

Thence N 11°-58'-40" W, along land the northwesterly side of Boston Road, 10.82 feet to a point;

Thence N 55°-34'-12" E through land of the grantor, 25.48 feet to a point;

Thence S 34°-25'-48" E through land of the grantor, 7.06 feet to a point;

Thence N 55°-34'-12" E through land of the grantor, 155.14 feet to a point on the northwesterly side of Boston Road;

Thence S 34°-24'-40" E, along the northwesterly side of Boston Road, 2.99 feet to a point;

Thence S 55°-35'-20" W, along the northwesterly side of Boston Road, 184.75 feet to the point of beginning.

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-46

It is ORDERED, that a permanent easement for purposes of constructing and maintaining improvements to certain ways in the City of Springfield, for the "Boston Road - Phase 1", is hereby taken in the parcel of land described as Parcel E-46 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;

A portion of a parcel of land located at 510 Parker Street, Springfield, Massachusetts, now or formerly of Basser-Kaufman Mass 312, LLC, containing an area of 298 square feet, more or less, and bounded and described as follows:

Beginning at a point on the westerly side of Parker Street, said point lying

N 88°-55'-35" W, 31.50 feet from baseline station 202+33.43;

Thence generally northeasterly through land of the grantor on a curve to the right having a radius of 1,207.50 feet, a length of 68.82 feet to a point of tangency;

Thence N 04°-20'-21" E through land of the grantor, 150.72 feet to a point on the westerly side of Parker Street;

Thence S 01°-46'-42" E, along the westerly side of Parker Street, 14.29 feet to a point;

Thence S 04°-17'-40" W, along the westerly side of Parker Street, 171.33 feet to a point of curvature;

Thence generally southwesterly along the westerly side of Parker Street on a curve to the left having a radius of 2,080.00 feet, 33.98 feet to the point of beginning.

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-48

It is ORDERED, that a permanent easement for purposes of constructing and maintaining improvements to certain ways in the City of Springfield, for the "Boston Road - Phase 1", is hereby taken in the parcel of land described as Parcel E-48 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;

A parcel of land located between 1560 Boston Road and 1600 Boston Road, Springfield, Massachusetts, known depicted as Lot 14 on a plan of registered land

recorded in the Hampden County Registry of Deeds as Plan 10690-H, now or formerly of City of Springfield, containing an area of 1,530 square feet, more or less, and bounded and described as follows:

Beginning at a point on the northwesterly side of Boston Road, said point lying N 26°-36'-44" W, 28.55 feet from baseline station 46+22.16, said point being the southeast corner of land now or formerly of Lowe's Home Centers, Inc.;

Thence N 26°-49'-40" W, bounded southwesterly by said land now or formerly of Lowe's Home Centers, Inc, 40.00 feet to a point;

Thence N 05°-01'-35" W, bounded westerly by land now or formerly of Lowe's Home Centers, Inc, 10.77 feet to a point, said point being a southwest corner of land now or formerly of Windalier Springdale Mall LLC;

Thence N 63°-10'-20" E, bounded northwesterly by said land now or formerly of Windalier Springdale Mall LLC, 27.00 feet to a point;

Thence S 26°-49'-40"E bounded northeasterly by land now or formerly of Windalier Springdale Mall LLC, 50.00 feet to a point on the northwesterly side of Boston Road;

Thence S 63°-10'-20" W, along the northwesterly side of Boston Road, 31.00 feet to the point of beginning.

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-49

It is ORDERED, that a permanent easement for purposes of constructing and maintaining improvements to certain ways in the City of Springfield, for the "Boston Road - Phase 1", is hereby taken in the parcel of land described as Parcel E-49 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;

A portion of a parcel of land located on the northwest side of Boston Road between 1630 Boston Road and 1686 Boston Road, Springfield, Massachusetts, now or formerly of BFS Retail & Commercial Operations, LLC, containing an area of 15 square feet, more or less, and bounded and described as follows:

Beginning at a point on the northwesterly side of Boston Road, said point lying

N 34°-25'-48" W, 31.75 feet from baseline station 52+59.08;

Thence N 34°-24'-40" W through land of the grantor, 3.00 feet to a point;

Thence N 55°-35'-20" E through land of the grantor, 5.00 feet to a point;

Thence S 34°-24'-40" E through land of the grantor, 3.00 feet to a point on the northwesterly side of Boston Road;

Thence S 55°-35'-20" W, along the northwesterly side of Boston Road, 5.00 feet to the point of beginning.

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-50

It is ORDERED, that a permanent easement for purposes of constructing and maintaining improvements to certain ways in the City of Springfield, for the "Boston Road - Phase 1", is hereby taken in the parcel of land described as Parcel E-50 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;

A portion of a parcel of land located at 493 Parker Street, Springfield, Massachusetts, now or formerly of City of Springfield, containing an area of 80 square feet, more or less, and bounded and described as follows:

Beginning at a point on the easterly side of Parker Street, said point lying

S 85°-39'-39" E, 50.08 feet from baseline station 203+63.48;

Thence N 04°-17'-40" E along the easterly side of Parker Street, 6.20 feet to a point of curvature;

Thence generally northeasterly along the easterly side of Parker Street on a curve to the right having a radius of 141.00 feet, a length of 33.70 feet to a point of non-tangency;

Thence S 10°-04'-31" W through land of the grantor, 16.35 feet to a point;

Thence S 79°-55'-29" E through land of the grantor, 4.50 feet to a point;

Thence S 10°-04'-31" W through land of the grantor, 10.00 feet to a point;

Thence N 79°-55'-29" W through land of the grantor, 4.50 feet to a point;

Thence S 10°-04'-31" W through land of the grantor, 13.43 feet to the point of beginning.

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 "Boston Road - Phase 1" project, pursuant to Mass. General Laws Chapter 43, Section 30, and Mass. General Laws Chapter 79, including any non-commercial sign 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 fifty-five (55) 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 1244 Boston Road, Springfield, Massachusetts, supposed to be owned by Route 20 Color Tile, LLC, consisting of approximately 209 square feet, from baseline station 11+75.20 to station 12+24.03, and depicted 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 1260 Boston Road, Springfield, Massachusetts, supposed to be owned by Tanners-Springfield Associates Trust, consisting of approximately 622 square feet, from baseline station 12+24.03 to station 13+26.19, and depicted 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 1244 Boston Road, Springfield, Massachusetts, supposed to be owned by Route 20 Color Tile, LLC, consisting of approximately 524 square feet, from the Pasco Road Construction Baseline Station 102+67.07 to station 103+41.65, and depicted 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 1245 Boston Road, Springfield, Massachusetts, supposed to be owned by Mike W. Lee, consisting of approximately 196 square feet, from baseline station 11+74.79 to station 12+16.19, and depicted 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 1257 Boston Road, Springfield, Massachusetts, supposed to be owned by Tony Vo, consisting of approximately 878 square feet, from baseline station 12+66.26 to station 13+66.40, and depicted 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 1267 Boston Road, Springfield, Massachusetts, supposed to be owned by K A Realty Trust, consisting of approximately 599 square feet, from baseline station 13+66.40 to station 14+66.82, and depicted 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 1284 Boston Road, Springfield, Massachusetts, supposed to be owned by Abdow Realty Trust, consisting of approximately 2,696 square feet, from baseline station 14+54.40 to station 16+76.32, and depicted as **TE-7** on the above-referenced right of way plans on file with the DPW Engineering Division;

Parcel TE-8: A portion of a parcel of land located at 1285 Boston Road, Springfield, Massachusetts, supposed to be owned by DIBA, LLC, consisting of approximately 3,015 square feet, from baseline station 15+26.28 to station 16+22.19, and depicted as **TE-8** 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 at 1295 Boston Road, Springfield, Massachusetts, supposed to be owned by DIBA, LLC, consisting of approximately 834 square feet, from baseline station 16+22.19 to station 17+22.90, and depicted as **TE-9** on the above-referenced right of way plans on file with the DPW Engineering Division;

Parcel TE-10: A portion of a parcel of land located on Boston Road, Springfield, Massachusetts, supposed to be owned by Boston Road/Pasco RT20 Retail, LLC, consisting of approximately 3,083 square feet, from baseline station 16+76.32 to station 18+93.89, and depicted as **TE-10** on the above-referenced right of way plans on file with the DPW Engineering Division;

Parcel TE-11: A portion of a parcel of land located at 1315 Boston Road, Springfield, Massachusetts, supposed to be owned by F L Roberts and Company Incorporated, consisting of approximately 2,125 square feet, from baseline station 17+76.92 to station 20+17.06, and depicted as **TE-11** on the above-referenced right of way plans on file with the DPW Engineering Division;

Parcel TE-12: A portion of a parcel of land located at 1324 Boston Road, Springfield,

Massachusetts, supposed to be owned by Mark R. Draymore & Murray Hendel Trustees, consisting of approximately 603 square feet, from baseline station 18+93.74 to station 19+73.49, and depicted as **TE-12** on the above-referenced right of way plans on file with the DPW Engineering Division;

Parcel TE-13: A portion of a parcel of land located at 1340 Boston Road, Springfield, Massachusetts, supposed to be owned by East Street and Boston Road, LLC, consisting of approximately 1,819 square feet, from baseline station 19+73.49 to station 21+71.44, and depicted as **TE-13** on the above-referenced right of way plans on file with the DPW Engineering Division;

Parcel TE-14: A portion of a parcel of land located at 1356 Boston Road, Springfield, Massachusetts, supposed to be owned by Parmar Enterprises, Inc., consisting of approximately 2,839 square feet, from baseline station 21+69.13 to station 24+80.56, and depicted as **TE-14** on the above-referenced right of way plans on file with the DPW Engineering Division;

Parcel TE-15: A portion of a parcel of land located at 1355 Boston Road, Springfield, Massachusetts, supposed to be owned by Thomas A. Cosenzi & Sandra J. Cosenzi, consisting of approximately 759 square feet, from baseline station 23+96.20 to station 25+24.64, and depicted as **TE-15** on the above-referenced right of way plans on file with the DPW Engineering Division;

Parcel TE-16: A portion of a parcel of land located at 1387 Boston Road, Springfield, Massachusetts, supposed to be owned by HR-Twenty Corp., consisting of approximately 1,414 square feet, from baseline station 25+24.64 to station 26+90.80, and depicted as **TE-16** on the above-referenced right of way plans on file with the DPW Engineering Division;

Parcel TE-17: A portion of a parcel of land located at 1380 Boston Road and Parker Street, Springfield, Massachusetts, supposed to be owned by Route 20-21 Associates, Inc., consisting of approximately 4,511 square feet, from baseline station 24+78.90 to the Parker Street Construction Baseline Station 209+66.21, and depicted as **TE-17** on the above-referenced right of way plans on file with the DPW Engineering Division;

Parcel TE-18: A portion of a parcel of land located at 510 Parker Street, Springfield, Massachusetts, supposed to be owned by Bassar-Kaufman Mass 312, LLC, consisting of approximately 1,255 square feet, from baseline station 26+90.81 to station 28+07.38, and depicted as **TE-18** on the above-referenced right of way plans on file with the DPW Engineering Division;

Parcel TE-19: A portion of a parcel of land located at 1411 Boston Road, Springfield, Massachusetts, supposed to be owned by Bassar-Kaufman Mass 312, LLC, consisting of approximately 1,445 square feet, from baseline station 28+02.39 to Parker Street Construction Baseline Station 204+76.99, and depicted as **TE-19** on the above-referenced

right of way plans on file with the DPW Engineering Division;

Parcel TE-20: A portion of a parcel of land located at 510 Parker Street, Springfield, Massachusetts, supposed to be owned by Basser-Kaufman Mass 312, LLC, consisting of approximately 1570 square feet, from the Parker Street Construction Baseline Station 201+32.75 to station 204+76.99, and depicted as **TE-20** on the above-referenced right of way plans on file with the DPW Engineering Division;

Parcel TE-21: A portion of a parcel of land located at 493 Parker Street, Springfield, Massachusetts, supposed to be owned by City of Springfield, consisting of approximately 3,041 square feet, from the Parker Street Construction Baseline Station 201+94.14 to station 206+43.45, and depicted as **TE-21** on the above-referenced right of way plans on file with the DPW Engineering Division;

Parcel TE-22: A portion of a parcel of land located at 1440 Boston Road, Springfield, Massachusetts, supposed to be owned by Marrewa Realty, Inc., consisting of approximately 3,082 square feet, from the Parker Street Construction Station 211+01.80, to the Boston Road Construction Baseline Station 33+65.98, and depicted as **TE-22** on the above-referenced right of way plans on file with the DPW Engineering Division;

Parcel TE-23: A portion of a parcel of land located at 14656 Boston Road, Springfield, Massachusetts, supposed to be owned by Donald W. Obitz & Lynn R. Obitz, consisting of approximately 2,883 square feet, from baseline station 33+00.94 to station 34+88.21, and depicted as **TE-23** on the above-referenced right of way plans on file with the DPW Engineering Division;

Parcel TE-24: A portion of a parcel of land located on Boston Road, Springfield, Massachusetts, supposed to be owned by Sears Roebuck & Co., consisting of approximately 395 square feet, from baseline station 34+88.21 to station 35+17.14, and depicted as **TE-24** on the above-referenced right of way plans on file with the DPW Engineering Division;

Parcel TE-25: A portion of a parcel of land located at 1472 Boston Road, Springfield, Massachusetts, supposed to be owned by Adam Springfield II, LLC, consisting of approximately 672 square feet, from baseline station 34+15.97 to station 34+75.40, and depicted as **TE-25** on the above-referenced right of way plans on file with the DPW Engineering Division;

Parcel TE-26: A portion of a parcel of land located at 1492 Boston Road, Springfield, Massachusetts, supposed to be owned by John S. Banas & Josephine Banas, consisting of approximately 2,888 square feet, from baseline station 34+75.40 to station 37+75.38, and depicted as **TE-26** on the above-referenced right of way plans on file with the DPW Engineering Division;

Parcel TE-27: A portion of a parcel of land located at 1525 Boston Road, Springfield, Massachusetts, supposed to be owned by Sears Roebuck & Co., consisting of approximately 14,115 square feet, from baseline station 35+70.84 to station 50+44.82, and depicted as **TE-27** on the above-referenced right of way plans on file with the DPW Engineering Division;

Parcel TE-28: A portion of a parcel of land located at 1514 Boston Road, Springfield, Massachusetts, supposed to be owned by M.H. Parsons & Sons, consisting of approximately 697 square feet, from baseline station 38+26.04 to station 39+27.09, and depicted as **TE-28** on the above-referenced right of way plans on file with the DPW Engineering Division;

Parcel TE-29: A portion of a parcel of land located at 1522 Boston Road, Springfield, Massachusetts, supposed to be owned by Rehold Springfield LLC, consisting of approximately 2,503 square feet, from baseline station 39+27.09 to station 42+82.28, and depicted as **TE-29** on the above-referenced right of way plans on file with the DPW Engineering Division;

Parcel TE-30: A portion of a parcel of land located at 1560 Boston Road, Springfield, Massachusetts, supposed to be owned by Lowe's Home Centers, Inc., consisting of approximately 5,211 square feet, from baseline station 42+82.28 to station 46+30.50, and depicted as **TE-30** on the above-referenced right of way plans on file with the DPW Engineering Division;

Parcel TE-31: A portion of a parcel of land located at 1600 Boston Road, Springfield, Massachusetts, supposed to be owned by Windalier Springdale Mall LLC, consisting of approximately 3,352 square feet, from baseline station 46+30.50 to station 49+61.60, and depicted as **TE-31** on the above-referenced right of way plans on file with the DPW Engineering Division;

Parcel TE-32: A portion of a parcel of land located at 1655 Boston Road, Springfield, Massachusetts, supposed to be owned by Eastfield Associates LLC, consisting of approximately 4,068 square feet, from baseline station 54+58.25 to station 55+06.26, and depicted as **TE-32** on the above-referenced right of way plans on file with the DPW Engineering Division;

Parcel TE-33: A portion of a parcel of land located at 1685 Boston Road, Springfield, Massachusetts, supposed to be owned by The May Department Stores Company, consisting of approximately 31,995 square feet, from baseline station 50+44.00 to station 54+72.10, and depicted as **TE-33** on the above-referenced right of way plans on file with the DPW Engineering Division;

Parcel TE-34: A portion of a parcel of land located at 1630 Boston Road, Springfield, Massachusetts, supposed to be owned by John Stanley Banas & Josephine Frances, consisting of approximately 1,315 square feet, from baseline station 49+61.60 to station 51+12.24, and depicted as **TE-34** on the above-referenced right of way plans on file with

the DPW Engineering Division;

Parcel TE-35 A portion of a parcel of land located at 1666 Boston Road, Springfield, Massachusetts, supposed to be owned by BFS Retail & Commercial Operations, LLC, consisting of approximately 2,503 square feet, from baseline station 51+12.24 to station 54+15.85, and depicted as **TE-35** on the above-referenced right of way plans on file with the DPW Engineering Division;

Parcel TE-36 A portion of a parcel of land located at 1686 Boston Road, Springfield, Massachusetts, supposed to be owned by Springsan Company, LLC, consisting of approximately 1,511 square feet, from baseline station 54+91.87 to station 55+65.87, and depicted as **TE-36** on the above-referenced right of way plans on file with the DPW Engineering Division;

Parcel TE-37 A portion of a parcel of land located at 1722 Boston Road, Springfield, Massachusetts, supposed to be owned by Haymarket Square Associates Limited Partnership, consisting of approximately 3,156 square feet, from baseline station 55+65.87 to station 57+97.92, and depicted as **TE-37** on the above-referenced right of way plans on file with the DPW Engineering Division;

Parcel TE-38 A portion of a parcel of land located at 1719 Boston Road, Springfield, Massachusetts, supposed to be owned by JCP Partners, LLC, consisting of approximately 10,693 square feet, from baseline station 54+76.23 to station 62+29.47, and depicted as **TE-38** on the above-referenced right of way plans on file with the DPW Engineering Division;

Parcel TE-39 A portion of a parcel of land located at 1750 Boston Road, Springfield, Massachusetts, supposed to be owned by Haymarket Square Associates Limited Partnership, consisting of approximately 6,722 square feet, from baseline station 60+69.88 to station 62+55.48, and depicted as **TE-39** on the above-referenced right of way plans on file with the DPW Engineering Division;

Parcel TE-40 A portion of a parcel of land located at 1755 Boston Road, Springfield, Massachusetts, supposed to be owned by 1755 Boston Road Springfield, MA LLC, consisting of approximately 3,018 square feet, from baseline station 62+27.79 to station 63+54.94, and depicted as **TE-40** on the above-referenced right of way plans on file with the DPW Engineering Division;

Parcel TE-41 A portion of a parcel of land located at 1760 Boston Road, Springfield, Massachusetts, supposed to be owned by Susan A. Shapiro, consisting of approximately 4,330 square feet, from baseline station 62+55.48 to station 63+73.89, and depicted as **TE-41** on the above-referenced right of way plans on file with the DPW Engineering Division;

Parcel TE-42 A portion of a parcel of land located at 1770 Boston Road, Springfield,

Massachusetts, supposed to be owned by Draymore Properties Limited Partnership, consisting of approximately 1,515 square feet, from baseline station 63+72.16 to station 64+93.56, and depicted as **TE-42** on the above-referenced right of way plans on file with the DPW Engineering Division;

Parcel TE-43 A portion of a parcel of land located at 1780 Boston Road, Springfield, Massachusetts, supposed to be owned by L & L Food Service, Inc., consisting of approximately 1,768 square feet, from baseline station 64+93.56 to station 65+95.24, and depicted as **TE-43** on the above-referenced right of way plans on file with the DPW Engineering Division;

Parcel TE-44 A portion of a parcel of land located at 1771 Boston Road, Springfield, Massachusetts, supposed to be owned by Edward P. Garabedian, consisting of approximately 1,000 square feet, from baseline station 64+30.32 to station 65+86.04, and depicted as **TE-44** on the above-referenced right of way plans on file with the DPW Engineering Division;

Parcel TE-45 A portion of a parcel of land located at 1791 Boston Road, Springfield, Massachusetts, supposed to be owned by Armand J. Beaupre & Sharon M. Beaupre, consisting of approximately 924 square feet, from baseline station 65+86.04 to station 66+93.59, and depicted as **TE-45** on the above-referenced right of way plans on file with the DPW Engineering Division;

Parcel TE-46 A portion of a parcel of land located at 1800 Boston Road, Springfield, Massachusetts, supposed to be owned by TD BankNorth, consisting of approximately 2,348 square feet, from baseline station 66+44.93 to station 67+69.30, and depicted as **TE-46** on the above-referenced right of way plans on file with the DPW Engineering Division;

Parcel TE-47 A portion of a parcel of land located at 1800 Boston Road, Springfield, Massachusetts, supposed to be owned by TD BankNorth, consisting of approximately 395 square feet, from baseline station 67+69.30 to station 68+43.40, and depicted as

TE-47 on the above-referenced right of way plans on file with the DPW Engineering Division;

Parcel TE-48 A portion of a parcel of land located at 1809 Boston Road, Springfield, Massachusetts, supposed to be owned by Realty Income Corporation, consisting of approximately 1,440 square feet, from baseline station 67+62.88 to station 69+72.09, and depicted as **TE-48** on the above-referenced right of way plans on file with the DPW Engineering Division;

Parcel TE-49 A portion of a parcel of land located on Boston Road, Springfield, Massachusetts, supposed to be owned by O ICE, LLC, consisting of approximately 840 square feet, from baseline station 69+72.09 to station 70+90.76, and depicted as **TE-49** on the above-referenced right of way plans on file with the DPW Engineering Division

Parcel TE-50 A portion of a parcel of land located at 1828 Boston Road, Springfield, Massachusetts, supposed to be owned by 1828 Boston Road LLC, consisting of approximately 1,223 square feet, from baseline station 68+93.31 to station 70+95.40, and depicted as **TE-50** on the above-referenced right of way plans on file with the DPW Engineering Division;

Parcel TE-51: A portion of a parcel of land located at 513 Parker Street, Springfield, Massachusetts, supposed to be owned by Patricia L. Hayden & Todd A. Hayden, consisting of approximately 47 square feet, from the Parker Street Construction Baseline Station 201+04.29 to station 201+23.06, and depicted as **TE-51** on the above-referenced right of way plans on file with the DPW Engineering Division;

Parcel TE-52: A portion of a parcel of land located at 511 Parker Street, Springfield, Massachusetts, supposed to be owned by Albert W. Johnston, consisting of approximately 312 square feet, from the Parker Street Construction Baseline Station 201+22.86 to station 201+94.14, and depicted as **TE-52** on the above-referenced right of way plans on file with the DPW Engineering Division;

Parcel TE-53 A portion of a parcel of land located at 1722 Boston Road, Springfield, Massachusetts, supposed to be owned by Haymarket Square Associates Limited Partnership, consisting of approximately 1090 square feet, from baseline station 58+49.76 to station 60+04.90, and depicted as **TE-53** on the above-referenced right of way plans on file with the DPW Engineering Division;

Parcel TE-54: A portion of a parcel of land located at 436 Parker Street, Springfield, Massachusetts, supposed to be owned by Northernstar Enterprises, LLC, consisting of approximately 271 square feet, from the Parker Street Construction Baseline Station 209+66.21 to Station 210+19.70, and depicted as **TE-54** on the above-referenced right of way plans on file with the DPW Engineering Division;

Parcel TE-55: A portion of a parcel of land located at 1260 Boston Road, Springfield, Massachusetts, supposed to be owned by Tanners-Springfield Associates Trust, consisting of approximately 1,458 square feet, from the Pasco Road Construction Baseline Station 100+58.73 to Station 102+67.07, and depicted as **TE-55** 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	SUPPOSED OWNER/MORTGAGEE OF RECORD		S.F. AREA	AWARD OF DAMAGES
E 1	1260 Boston Rd	Tanners-Springfield Associates Trust	414	\$1,240
E 2	1260 Boston Rd	Tanners-Springfield Associates Trust	96	\$290
E 3	1244 Boston Rd	Route 20 Color Tile LLC	32	\$100
E 4	1257 Boston Rd	Tony Vo	41	\$180
E 5	1267 Boston Rd	KA Realty Trust	324	\$1,170
E 6	1284 Boston Rd	G&R Realty Trust	2,294	\$5,510
E 7	1285 Boston Rd	DIBA LLC	214	\$960
E 9	North Side Boston Rd	Boston Road/Pasco RT20 Retail, LLC.	669	\$1,340
E 10	1315 Boston Rd	F.L. Roberts and Company Inc	612	\$1,840
E 11	1324 Boston Rd	McFc LLC	194	\$490
E 12	1340 Boston Rd	East Street & Boston Road LLC	100	\$200
E 13	1387 Boston Rd	HR Twenty Corporation	38	\$100
E 14	510 Parker St	Basser-Kaufman Mass 312, LLC	139	\$280
E 15	1411 Boston Rd	Basser Kaufman Mass 312, LLC	239	\$1,080
E 16	493 Parker St	Springfield City	128	\$0
E 17	1440 Boston Rd	Marrewa Realty Inc	125	\$380
E 18	1465 Boston Rd	Donald W & Lynn R Obitz	1,647	\$3,290
E 19	West Side Fernbank Rd	Sears Roebuck & Co	62	\$200
E 22	1525 Boston Rd	Sears Roebuck & Co	318	\$450
E 23	1522 Boston Rd	Rehold Springfield LLC	309	\$540
E 24	1525 Boston Rd	Sears Roebuck & Co	4,050	\$5,670
E 25	1525 Boston Rd	Sears Roebuck & Co	818	\$1,150
E 26	1560 Boston Rd	Lowes Home Centers Inc	2,549	\$3,570
E 27	1686 Boston Rd	Springsan Company LLC	1,307	\$2,090
E 28	1600 Boston Rd	TRT Springdale LLC	4,464	\$7,140
E 29	1685 Boston Rd	May Department Stores Co	2,647	\$4,240
E 30	1630 Boston Rd	Josephine Frances Banas	384	\$960
E 31	North Side Boston Rd	BFS Retail & Commercial Operations	48	\$120
E 32	1722-1724 Boston Rd	Haymarket Square Association LP	1,050	\$1,680
E 33	1719 Boston Rd	Boston Road Retail LLC	2,811	\$4,500
E 34	1750 Boston Rd	Haymarket Square Associates LP	248	\$500
E 35	1755 Boston Rd	1755 Boston Road, Springfield MA LLC	782	\$3,520
E 36	1760 Boston Rd	Susan A. Shapiro	298	\$750
E 37	1770 Boston Rd	Draymore Properties LP	406	\$1,020
E 38	1780 Boston Rd	Colonial Pacific Leasing Corporation	418	\$1,250
E 39	1771 Boston Rd	Edward P. Garabedian	439	\$1,320

E 40	1791 Boston Rd	Armand J & Sharon M Beaupre	348	\$1,570
E 41	1800 Boston Rd	TD BankNorth	411	\$1,230
E 42	North Side Boston Rd	TD BankNorth	387	\$1,220
E 43	1809-1821 Boston Rd	Realty Income Corporation	396	\$1,190
E 44	1828 Boston Rd	Yash & Rushil LLC	58	\$170
E 45	1722-1724 Boston Rd	Haymarket Square Association LP	745	\$1,490
E 46	510 Parker St	Basser-Kaufman Mass 312, LLC	298	\$670
E 48	North Side Boston Rd	Springfield City	1,530	\$0
E 49	0 Boston Rd	BFS Retail & Commercial Operations	15	\$100
E 50	493 Parker St	Springfield City	80	\$0

TOTAL FOR PERMANENT EASEMENTS: \$66,760.00

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	SUPPOSED OWNER/MORTGAGEE OF RECORD	S.F. AREA	AWARD OF DAMAGES
TE 1	1244 Boston Rd	Route 20 Color Tile LLC	209 \$70
TE 2	1260 Boston Rd	Tanners-Springfield Associates Trust	622 \$250
TE 3	1244 Boston Rd	Route 20 Color Tile LLC	524 \$170
TE 4	1245 Boston Rd	Mike W Lee	196 \$80
TE 5	1257 Boston Rd	Tony Vo	878 \$520
TE 6	1267 Boston Rd	KAREaltyTrust	599 \$240
TE 7	0 Boston Rd	G&R Realty Trust	2,696 \$860
TE 8	1285 Boston Rd	DIBA LLC	3,015 \$1,440
TE 9	1295 Boston Rd	DIBA LLC	834 \$500
TE 10	0 Boston Rd	Boston Road/Pasco RT20 Retail, LLC	3,083 \$650
TE 11	1315 Boston Rd	FL Roberts & Company Inc	2,125 \$850
TE 12	1324 Boston Rd	McFc LLC	603 \$200
TE 13	1340 Boston Rd	East Street & Boston Road LLC	1,819 \$480
TE 14	1356 Boston Rd	Parmar Enterprises, Inc.	2,839 \$750
TE 15	1355 Boston Rd	Thomas A & Sandra J Cosenzi	759 \$200
TE 16	1387 Boston Rd	HR Twenty Corporation	1,414 \$470
TE 17	1380 Boston Rd	Route 20-21 Associates Inc	4,511 \$1,200
TE 18	510 Parker St	Basser-Kaufman Mass 312, LLC	1,255 \$330
TE 19	1411 Boston Rd	Basser-Kaufman Mass 312. LLC	1,445 \$860
TE 20	510 Parker St	Basser-Kaufman Mass 312, LLC	1,570 \$420
TE 21	493 Parker St	Springfield City	3,041 \$0
TE 22	1440 Boston Rd	Marrewa Realty Inc	3,082 \$980
TE 23	1465 Boston Rd	Donald W & Lynn R Obitz	2,883 \$920
TE 24	0 Fernbank Rd	Sears Roebuck & Co	395 \$140

TE	25	1472 Boston Rd	Adam Springfield II, LLC	672	\$400
TE	26	1492 Boston Rd	1492 Boston Road, LLC	2,888	\$540
TE	27	1525 Boston Rd	Sears Roebuck & Co	14,115	\$2,390
TE	28	1514 Boston Rd	Union Street Realty NT	697	\$280
TE	29	1522 Boston Rd	Rehold Springfield LLC	2,503	\$460
TE	30	1560 Boston Rd	Lowes Home Centers Inc	5,211	\$970
TE	31	1600 Boston Rd	TRT Springdale LLC	3,352	\$620
TE	32	1655 Boston Rd	Eastfield Associates LLC	4,068	\$760
TE	33	1685 Boston Rd	May Department Stores Co	31,995	\$5,090
TE	34	1630 Boston Rd	Josephine Frances Banas	1,315	\$440
TE	35	0 Boston Rd	BFS Retail & Commercial Operations	2,503	\$830
TE	36	1686 Boston Rd	Springsan Company LLC	1,511	\$400
TE	37	1722-1724 Boston Rd	Haymarket Square Association LP	3,156	\$840
TE	38	1719 Boston Rd	Boston Road Retail LLC	10,693	\$1,700
TE	39	1750 Boston Rd	Haymarket Square Associates LP	6,722	\$1,070
TE	40	1755 Boston Rd	1755 Boston Road, Springfield MA LLC	3,018	\$1,200
TE	41	1760 Boston Rd	Susan A. Shapiro	4,330	\$1,150
TE	42	1770 Boston Rd	Draymore Properties LP	1,515	\$500
TE	43	1780 Boston Rd	Colonial Pacific Leasing Corporation	1,768	\$700
TE	44	1771 Boston Rd	Edward P. Garabedian	1,000	\$400
TE	45	1791 Boston Rd	Armand J & Sharon M Beaupre	924	\$550
TE	46	1800 Boston Rd	TD BankNorth	2,348	\$840
TE	47	0 Boston Rd	TD Banknorth	395	\$140
TE	48	1809-1821 Boston Rd	Realty Income Corporation	1,440	\$570
TE	49	0 Boston Rd	O Ice, LLC	840	\$280
TE	50	1828 Boston Rd	Yash & Rushil LLC	1,223	\$490
TE	51	513 Parker St	Todd A Hayden	47	\$50
TE	52	511 Parker St	Albert W Johnson	364	\$170
TE	53	1722-1724 Boston Rd	Haymarket Square Association LP	1090	\$290
TE	54	436 Parker St	Northernstar Enterprises LLC	271	\$90
TE	55	1260 Boston Rd	Tanners-Springfield Associates Trust	1,458	\$580

TOTAL FOR TEMPORARY EASEMENTS: \$37,370.00

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 _____, 2013:

Wayman Lee, Esq.
City Clerk

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

Domenic J. Sarno, Mayor
Date signed:_____



City of Springfield

SCHEDULED

Meeting: 08/19/13 06:00 PM

Initiator: Kathy Breck

Sponsors: Mayor Domenic J. Sarno

DOC ID: 2293

3.3

Order Amending Ordinance Chapter 82- Purchasing and Contracts to Reflect Amendments to Chapter 30B (Mayor Sarno)

WHEREAS, in July, 2013, the General Court amended portions of Massachusetts General Laws Chapter 30B ("Chapter 30B"), which is known as the Uniform Procurement Act; and

WHEREAS, Chapter 30B provides the scope, procedure, limits and rules governing procurement procedures for municipalities and other entities, which the City of Springfield is required to follow; and

WHEREAS, sections of City of Springfield Ordinance Chapter 82 -Purchasing and Contracts, originally enacted in 1990, need to be immediately amended to reflect various amendments to Chapter 30B, in order for the City to take advantage of the efficiencies and streamlined procurement procedures approved the Legislature;

NOW THEREFORE, BE IT ORDERED, that the City Council of the City of Springfield, with the approval of the Mayor, hereby amends City of Springfield Ordinance Chapter 82 -Purchasing and Contracts, to reflect the amendments to Chapter 30B, as follows:

1. Section 82-11, paragraph (A), is hereby deleted and replaced with the following new Section 82-11(A):

"A. Contracts made by any department, board or commission where the amount involved exceeds the threshold set forth in Mass. Gen. Laws ch. 43, sec. 29 (the City Charter), shall be in writing, and must be approved by the Mayor and the head of the department. A Chief Procurement Officer who awards a contract shall maintain a file on each such contract and shall include in such file a copy of all written documents for at least six years from the date of the final payment, as required by Chapter 30B, section 3, as it may be amended from time to time. Contracts awarded under Chapter 30B, section 4, shall be procured and awarded in compliance with the terms of Massachusetts General Laws Chapter 30B, as it may be amended from time to time."

2. Section 82-12, paragraph (A), is hereby deleted and replaced with the following new Section 82-12(A):

"A. The purchase of services and supplies at amounts greater than those set forth in Chapter 30B, section 4, shall be made pursuant to the applicable sections of Chapter 30B, as they may be amended from time to time. "

3. Section 82-12, paragraphs (B) and (C), are hereby deleted and replaced with the following new Section 12(B):

"B. Purchases of supplies or services under Chapter 30B, section 4(a) shall be made by seeking written or oral quotations from no fewer than three (3) persons customarily providing such supplies or services. The procurement officer shall award the contract to the responsible person offering the needed quality of supply or service at the lowest quotation, pursuant to Chapter 30B, section 4(b), as it may be amended from time to time. A purchase of supplies or services in an amount less than the amount set forth in Chapter 30B, section 4(a) shall be obtained through the exercise of sound business practices pursuant to Chapter 30B, section 4(c), as it may be amended from time to time."

4. Section 82-12, paragraph (E), is hereby amended as follows:

The first sentence of paragraph (E) is amended to read: "Whenever the Chief Procurement Officer, after reasonable investigation, determines in writing that only one practicable source for the required supply or service exists, the Procurement Officer may award such a contract without competition, but only to the extent consistent with the provisions of Chapter 30B, section 7, as it may be amended from time to time."

5. Section 82-16, paragraphs (E), (F), and (I), are amended as follows:

a) In paragraphs (E) and (I), wherever the words "more than \$500" or "\$500 or more" appear, the words "at or over the threshold set forth in Chapter 30B, section 15(f), as it may be amended from time to time", shall be substituted.

b) In paragraph (F), wherever the words "less than \$500" appear, the words "less than the threshold set forth in Chapter 30B, section 15(f), as it may be amended from time to time", shall be substituted.

6. Section 82-23, paragraph (A), is amended as follows:

In the first sentence, the words "in the amount of \$10,000 or more" are deleted and the words "in an amount at or above the threshold set forth in Chapter 30B, section 6(a), as it may be amended from time to time" are substituted.



City of Springfield

SCHEDULED

Meeting: 08/19/13 06:00 PM

Initiator: Kathy Breck

Sponsors: Mayor Domenic J. Sarno

DOC ID: 2294

3.4

Order Authorizing Expenditure of Chapter 90 Funds - \$3,624,412.00 (Mayor Sarno)

ORDER AUTHORIZING EXPENDITURE OF CHAPTER 90 FUNDS (\$3,624,412.00)

WHEREAS, the Commonwealth of Massachusetts has appropriated Chapter 90 local transportation aid funding for Fiscal Year 2014 in the amount of \$3,624,412.00, to be incorporated into the City of Springfield 10-year Chapter 90 Contract (City Contract #0615), see attached letter from Mass DOT Secretary and CEO (Exhibit A), and

WHEREAS, this appropriation provides for the payment of funds to the City of Springfield in order to continue efforts to maintain and upgrade the roadway systems of the City; and

WHEREAS, the Commonwealth of Massachusetts will reimburse the City of Springfield for costs associated with these roadway improvements through disbursements made pursuant to Mass. Gen. Laws Ch. 90, sec. 34(2)(a); and

WHEREAS, after reviewing this order, the Chief Administrative and Financial Officer certifies to the Mayor and City Council, that in his professional opinion, after an evaluation of all pertinent financial information reasonably available, the City's financial resources and revenues are and will continue to be adequate to support the proposed expenditures and obligations involved in the expenditure of these grant funds, 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;

NOW THEREFORE BE IT ORDERED, acting pursuant to Mass. Gen. Laws ch. 44, sec. 53A, that the City Council approves the expenditure by the Department of Public Works of the Chapter 90 grant funds for the purposes listed below subject to the approval of the Mayor, and the grant funds received shall be deposited with the City Treasurer and held as a separate account and may be expended for these purposes without further appropriation:

Chapter 90 Funds - \$3,624,412.00

1. Arterial and Residential Reconstruction: \$2,600,000.00
2. Design: \$ 724,412.00
3. Roadway Maintenance: \$ 200,000.00
4. Traffic Signal Improvements: \$ 100,000.00

A true copy of an Order passed by the City Council on
And approved by the Mayor on

Order (ID # 2294)

Meeting of August 19, 2013

Attest: City Clerk



Deval L. Patrick, Governor
Richard A. Davey, Secretary & CEO

EXHIBIT
massDOT
Massachusetts Department of Transportation

3.4.a

July 30, 2013

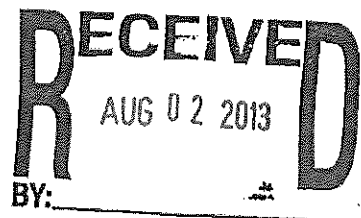
Honorable Domenic Sarno, Mayor
City of Springfield
36 Court Street
Springfield, MA 01103

Dear Honorable Sarno:

Earlier this year, the Legislature passed a one-year \$300 million authorization for Chapter 90 pending the outcome of the transportation finance debate. In May, I announced, the Administration's release of \$150 million in Chapter 90 local transportation funding for fiscal year 2014 to ensure cities and towns could get a jump on the construction season, pending the outcome of the transportation finance bill. Today, I am announcing that we are releasing a total of \$200 million in Chapter 90 funding for fiscal year 2014, equaling last year's historic amount.

On July 24, 2013 the Legislature enacted transportation finance legislation to reinvest in the Commonwealth's transportation system. The legislation provides additional revenues to address deficits at the MBTA, end the decades old practice of paying for highway operations with debt and also stops the costly practice of arrears funding the 15-regional transit authorities. Additionally, over the next several years limited additional resources to address billions in deferred maintenance and construction needs will be available. As drafted, the bill is a step forward, but it does not provide sufficient resources to address all of the needs outlined in the Administration's *Way Forward* plan. Without sufficient resources, we are not able to fund every project or programs at the levels called for in our plan.

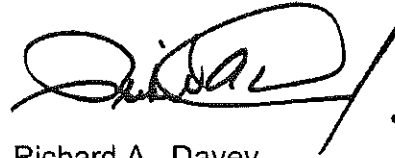
As many of you are aware, the Administration's *The Way Forward* proposal added additional revenues raised through tax reform proposal to provide a 10-year \$300 million annual (indexed for inflation) Chapter 90 program for municipalities. However, the transportation finance bill does not provide sufficient revenues to fund the \$300 million dollar allotment as proposed in the *Way Forward Plan* without cutting or deferring capital spending in other high priority areas such as bridge and highway reconstruction, road paving and improvements to statewide bus and rail services.



Ten Park Plaza, Suite 4160, Boston, MA 02116
Tel: 857-368-4636, TTY: 857-368-0655
www.mass.gov/massdot

Your adjusted allotment for FY2014 is \$3,624,412. Please contact Matt Bamonte at (857) 368-9151 with any questions you may have regarding the Chapter 90 program.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard A. Davey", followed by a long horizontal stroke and a period.

Richard A. Davey
Secretary & CEO



City of Springfield
36 Court Street
Springfield, MA 01103

SCHEDULED

SPECIAL ACT (ID # 2295)

Meeting: 08/19/13 06:00 PM

Department: Law

Category: General

Prepared By: Anthony I. Wilson

Initiator: Anthony I. Wilson

Sponsors: Ward 2 Councilor Michael A. Fenton

DOC ID: 2295

An Act Filling Vacancies in Ward Seats of the City Council by Special Election

The Commonwealth of Massachusetts

In the Year Two Thousand Twelve

AN ACT FILLING VACANCIES IN WARD SEATS OF THE CITY COUNCIL BY SPECIAL ELECTION

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Section 1: Section two of chapter three hundred and eight of the Acts of nineteen hundred and ninety-two will have no force and effect upon ward seats of the Springfield City Council.

Section 2: Notwithstanding the provisions of section fifty A of chapter forty-three of the general laws or any other general or special law to the contrary, if a vacancy occurs, for any reason, in a ward seat of the city council more than two hundred and ten (210) days prior to the expiration of that term, the city clerk shall notify the city council prior to the next city council meeting.

At the first meeting, following notice from the clerk, the city council shall adopt an order calling for a special preliminary election, on a Tuesday, not less than sixty-two and not more than seventy-six days after the adoption of such order and a special election, on a Tuesday, not more that twenty-eight days after the preliminary election. The special election shall be conducted consistent with the Charter of the City of Springfield.

If the number of candidates, certified by the elections office, is less than double the

number plus one of the vacant seats then the Board of Election Commissioners shall cancel the preliminary election.

The ward seat shall remain vacant until such time as it has been filled by election. If the vacancy shall occur less than 210 days prior to the expiration of the term of that seat, but at least ten days before the regularly scheduled general election to fill that seat, the candidates in that general election shall be notified by the Election Commission of the vacancy.

Section 3: Notwithstanding the provisions of any general or special law to the contrary, to ascertain the will of the people of the city of Springfield, the board of election commissioners shall cause the following binding public opinion question to be placed on the official ballot to be used in the city at the next regular municipal election to be held on the fifth day of November in the year two thousand and thirteen:

THIS QUESTION IS BINDING.

Shall the vacancies in ward seats of the city council of the city of Springfield be filled by special election?

SECTION 4. If a majority of the voters casting a ballot on this binding question shall vote in the affirmative, the provisions of said act shall take effect January 1, 2014.

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts In the General Court Assembled.

The undersigned, Domenic J. Sarno, Mayor of the City of Springfield, respectfully in the name and on behalf of said City, and in the pursuance of an order, a duly attested copy of which is hereto annexed, petition the General Court for legislation entitled “**AN ACT FILLING VACANCIES IN WARD SEATS OF THE CITY COUNCIL BY SPECIAL ELECTION**”, in substantially the same form as a draft Act attached hereto.

Respectfully submitted,

Domenic J. Sarno, Mayor

City of Springfield
36 Court Street
Springfield, MA 01103

 INTER

OFFICE

MEMO

To: Wayman Lee, Esquire
City Clerk

From: Anthony I. Wilson, Esquire
Associate City Solicitor

Subject: Special Act - **AN ACT FILLING VACANCIES IN WARD SEATS OF THE CITY COUNCIL BY SPECIAL ELECTION.**

Date: June 12, 2013

In accordance with Rules and Orders of the Springfield City Council, 2013, as amended, Rule 16A, the City Solicitor on behalf of the sponsors (City Councilor Michael Fenton) provide this report regarding the above Special Act ("Act") a copy is attached hereto. If the Act is approved by the City Council and signed by the Mayor, the Act would be sent the Massachusetts General Court for passage. If passed by the General Court the Governor must sign the Act.

The Act provides that a binding question be placed of the September 17, 2013 ballot to allow for a special election to fill vacancies of ward seats on the city council.

It is the recommendation of the City Councilor Michael Fenton, that this Act should be passed by the City Council. If you have any questions regarding this report, please feel free to contact me or the sponsor.


City of Springfield

36 Court Street
Springfield, MA 01103

Meeting: 08/19/13 06:00 PM
Department: Planning and Economic Development
Category: Special Permit
Prepared By: Phil Dromey
Initiator: Phil Dromey
Sponsors:

TABLED

PETITION (ID # 2126)

DOC ID: 2126

**For a Special Permit to Renovate and Reopen a Pre-Existing,
Non-Conforming Commercial Structure (Convenience Store)
at the Property Known as 418 Liberty Street (07770-0106), as
Allowed by M.G.L. and the Springfield Zoning Ordinance
Article XV, Section 1500.4A.**

Request:	See Above
Owner:	RAK Realty Associates, LLC
By:	Fred Basile
Petitioner:	Gulam Kagzi
By:	Gulam Kagzi

HISTORY:

05/28/13 City Council

REFER TO COMMITTEE

Next: 08/19/13

To The City Council of the City of Springfield:
The undersigned respectfully petition your honorable body

for a special permit to renovate and reopen a pre-existing, non-conforming commercial structure (convenience store) at the property known as 418 Liberty Street (07770-0106), as allowed by M.G.L. and the Springfield Zoning Ordinance Article XV, Section 1500.4A.

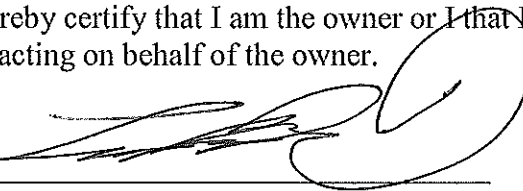
Mailing Address:

PO Box 812
 East Longmeadow, MA 01028

Owner:

RAK Realty Associates, LLC

I hereby certify that I am the owner or I that I am acting on behalf of the owner.

By: 
 Fred Basile

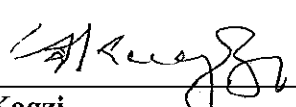
Mailing Address:

163 Greenmeadow Drive
 Longmeadow, MA 01106

Petitioner:

Gulam Kagzi

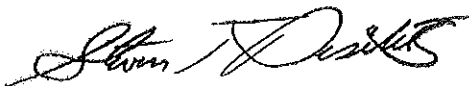
I hereby certify that I am the petitioner or I that I am acting on behalf of the petitioner.

By: 
 Gulam Kagzi

IN VIOLATION
 OF ZONING ORDINANCE

until approved by the City Council
 on accordance with the provisions of
 of the Zoning Ordinance

BUILDING COMMISSIONER



ZONED: BUS A

NEIGHBORHOOD: LIBERTY HEIGHTS

BLOCK PLAN: 142

Stephen J. Lonergan
Collector/Treasurer



THE CITY OF
SPRINGFIELD, MASSACHUSETTS

4/19/2013

Special Permit Tax Certification

I certify that all identifiable real estate, personal property and excise taxes have been paid by the petitioner and/or landlord associated with the special permit request shown below:

Special Permit: 418 Liberty Street: 07770-0106

Petitioner: Gulam Kagzi

Landlord: Rak Realty Associates LLC

A handwritten signature in black ink, appearing to read "Stephen J. Lonergan", is written over a horizontal line.

Stephen J. Lonergan: Treasurer/Collector

Attachment: Liberty St 418 Formal Tax 2013 (2126 : 418 Liberty Street)

OFFICE OF PLANNING & ECONOMIC DEVELOPMENT
ANALYSIS FOR A SPECIAL PERMIT

418 LIBERTY STREET (07770-0106)
NON-USE (RETAIL OPERATION)

General Information

Petitioner:	Gulam Kagzi
Request:	For a special permit to renovate and reopen a pre-existing nonconforming retail use. (Article XV, Section 1500.4B)
Proposed use of the property:	Convenience Store
Parcel Size:	4,259 s.f.
Compatibility with current planning documents:	The Liberty Heights Neighborhood Plan does not show any changes to this area.
Neighborhood council notification:	Lower Liberty Heights Community Action Team/Hungry Hill Civic Association: 4-25-13
Tax Status:	SEE ATTACHED
Urban Renewal Status:	This parcel is not located within an urban renewal area.
Site Visit:	5-13-13
Hearing Date:	5-28-13

Staff Analysis

Neighborhood characteristics:

The parcel is currently zoned Business A and is located in an area that has a mix of commercial and residential units. The surrounding land uses include:

- To the north is a large housing complex zoned Residence C.
- To the south is an office complex zoned Industrial A.
- To the west is a three-family house zoned Residence C.
- To the east is a single-family house zoned Residence C.

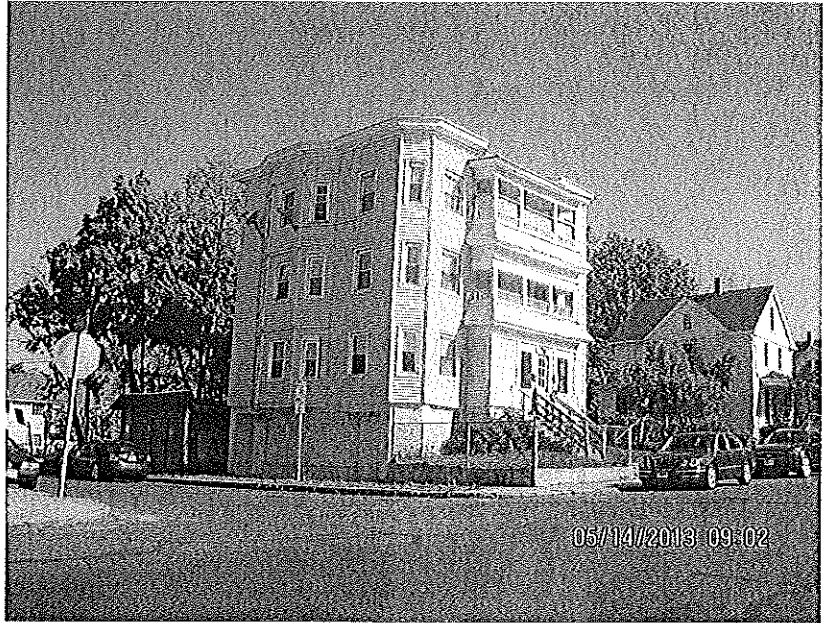
Site plan review:

The petitioner has requested a special permit to renovate and reopen a pre-existing, non-conforming retail use, under the Non-Use clause of the zoning ordinance at the property known as 418 Liberty Street. This site is located on the corner of Liberty Street and Columbia Terrace.

Although the staff generally does not object to the re-use of existing structures, the staff does have concerns with this proposed use.

First and foremost, as noted above, the parcel is only 4,259 square feet. This is well under the required amount of land for a building of this size under the current zoning standards.

Additionally, after visiting the site, it was noted that there is no on-site parking at this location. As can be seen in the attached picture, parking now takes place on Liberty Street and Columbia Terrace. The staff has strong concerns that there is now not enough parking for the four (4) existing residential units let alone the amount of parking that may be needed with the addition of a new commercial use. The staff also has concerns about the lack of space required for commercial related activities including dumpsters.



Overall, the staff does not believe that this is an appropriate location for the proposed commercial operation.

Recommendation

Deny.

IF Approved*Recommended Conditions*

1. This special permit is granted to this petitioner only.
2. This special permit is granted solely for the renovation and reopening of a pre-existing, non-conforming retail use at the property known as 418 Liberty Street (07770-0106).
3. The use shall be developed in accordance to the attached site plan with the additions of condition #4 through #12.
4. The hours of operation shall be from 7:00 AM to 9:00 PM, Monday through Sunday.
5. There shall be no deliveries or related services prior to 7:00 AM.
6. The building shall be maintained free of all graffiti.
7. The petitioner shall submit a detailed sign plan to the Office of Planning & Economic Development for review and approval prior to applying for a sign permit.
8. There shall no ground sign associated with this use.
9. There shall be no non-accessory signs.
10. The site shall be maintained free of all trash, debris and weeds.
11. The tree-belts shall be maintained free of all overgrown vegetation, trash and debris.
12. The public sidewalks shall be maintained including snow removal.
13. Compliance with these conditions, as well as any and all zoning regulations, is required. Failure to comply may result in enforcement by the Code Enforcement Department punishable by fines of up to \$100 per day for each day a violation exists.

Stephen J. Lonergan
Collector/Treasurer



THE CITY OF
SPRINGFIELD, MASSACHUSETTS

4/19/2013

Special Permit Tax Certification

I certify that all identifiable real estate, personal property and excise taxes have been paid by the petitioner and/or landlord associated with the special permit request shown below:

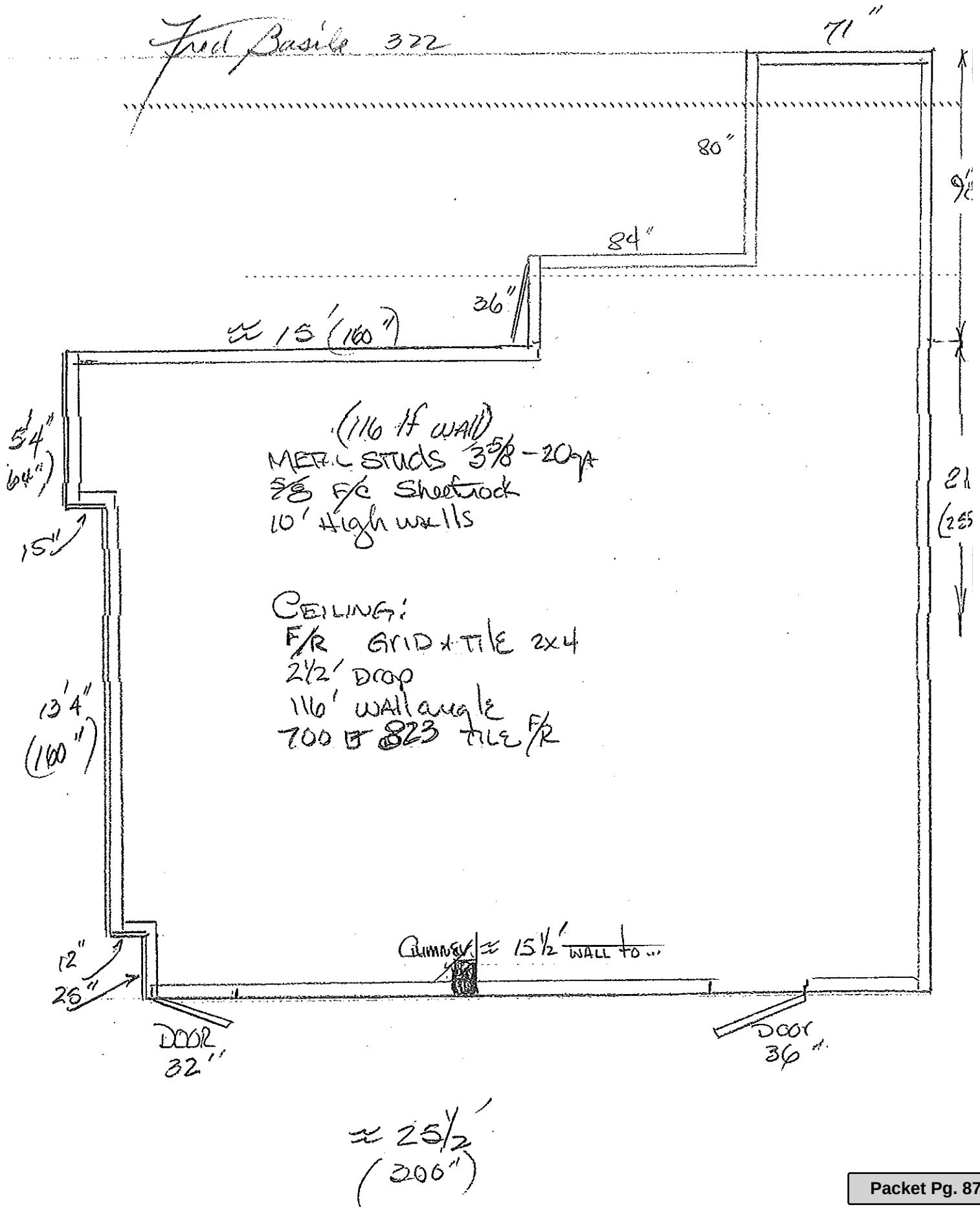
Special Permit: 418 Liberty Street: 07770-0106

Petitioner: Gulam Kagzi

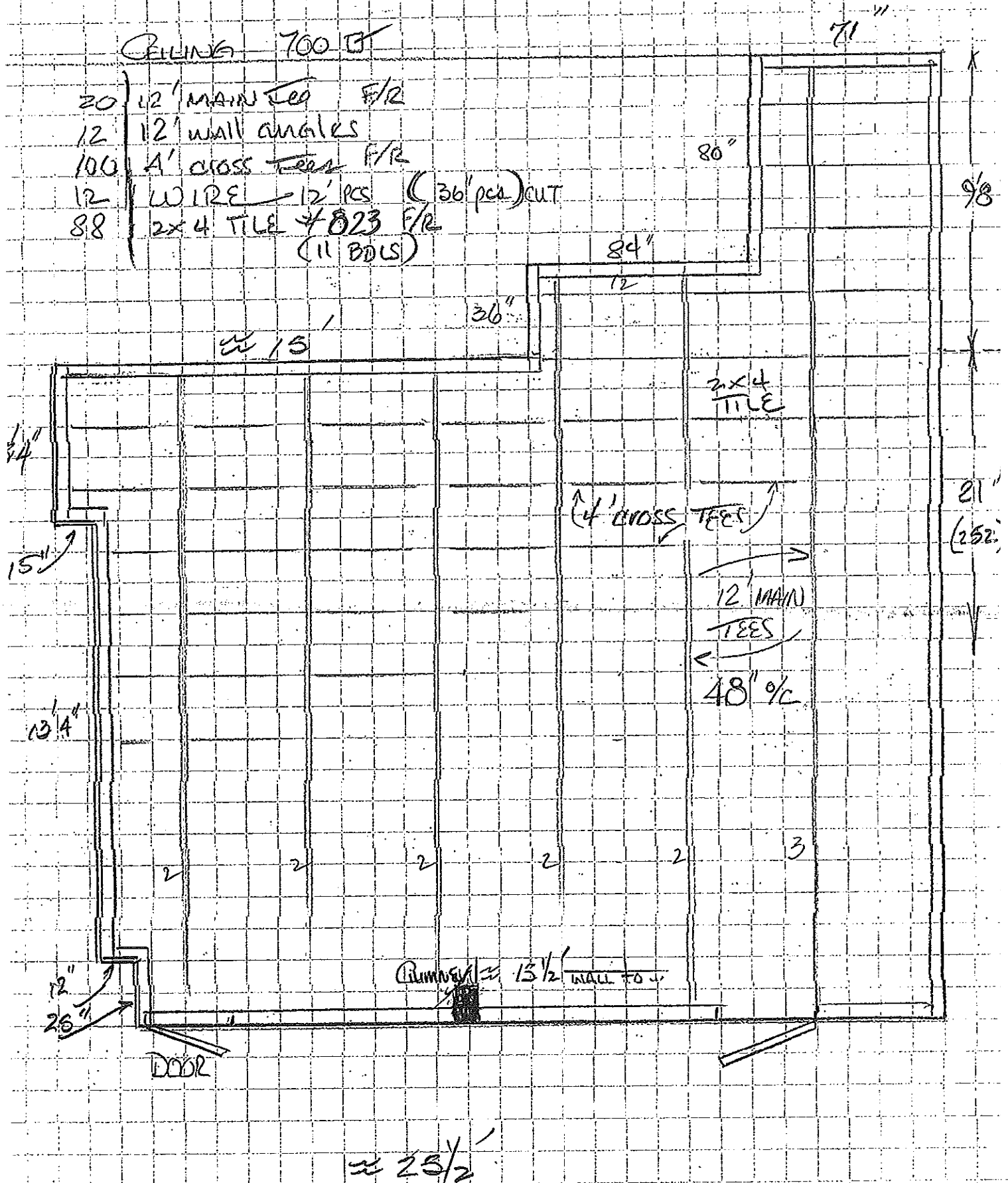
Landlord: Rak Realty Associates LLC

Stephen J. Lonergan: Treasurer/Collector

Attachment: Liberty_St_418_2013 (2126 : 418 Liberty Street)



FRED B.



Chicopee

Liberty St

Columbia Te

Proposed Location

Attachment: Liberty_St_418_2013 (2126 : 418 Liberty Street)

 SPRINGFIELD GIS	City of Springfield, Massachusetts
	418 Liberty Street

DATA SOURCE:

