



BOSTON
TRANSPORTATION
DEPARTMENT

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August 18, 2016

Public Facilities Commission
Katherine P. Craven, Chair
Lawrence D. Mammoli, Commissioner
Dion S. Irish, Commissioner

Location:
Public Facilities Department
26 Court Street, 11th Floor, Conf. Rm. 11A
Boston, MA 02108

Meeting Time: 9:45 a.m.

Dear Commissioners:

I recommend that the following vote attached hereto and referred to as the Boston Transportation Department agenda, be approved by the Commission at its August 18, 2016 meeting:

VOTE 1 **Order of Taking:** Various properties for the Boston Traffic Signal Improvements at 9
James Intersections project.
Gillooly

**BOSTON TRANSPORTATION DEPARTMENT
AGENDA**

**PUBLIC FACILITIES COMMISSION
August 18, 2016**

VOTE 1:

ORDER OF TAKING

At a regularly convened meeting of the Public Facilities Commission of the City of Boston, held on August 18, 2016, it was VOTED and ORDERED:

The Public Facilities Commission of the City of Boston, County of Suffolk, Commonwealth of Massachusetts, duly appointed, qualified, and acting as such, on behalf of the City of Boston by virtue of and in accordance with the authority of the provisions of Chapter 642 of the Acts of 1966, and Chapter 79 of the Massachusetts General Laws, and any and every other power and authority which is hereunto in any way enabling, hereby takes, on behalf of the City of Boston, and for the public purposes of enhancing and improving the safety of certain intersections throughout the City of Boston, shown on certain plans entitled “City of Boston, Public Works Department, Engineering Division, BTM Traffic Signal Improvements at 9 Intersections, Easement Plan [Various Intersections],” dated August 8, 2016, prepared by Howard/Stein-Hudson Associates, recorded with the Suffolk Registry of Deeds in Plan Book _____, Page _____ (the “Plans”), the following interests in land:

Temporary Construction Easements: Non-exclusive temporary construction easements for the purpose of constructing the Project, as hereinafter defined, and for all uses incidental thereto, including, without limitation, temporary construction easements to facilitate adjacent construction/reconstruction of roads, sidewalks, paths, driveways, entryways, lights and signals, necessary or convenient to the Project (the “Permitted Uses”), in, over, under, across, upon and along the parcels of land identified on the Plans as TE-1, TE-2, TE-4, TE-16, TE-17, TE-22, TE-23, TE-24, TE-25, TE-26, TE-41, TE-42, TE-43, TE-53 and TE-54 (the “Temporary Easement Premises”), including the right to access, pass and re-pass over, under, across, upon and along the Temporary Easement Premises, by foot and motor vehicle, including heavy equipment, for the Permitted Uses.

In exercising these rights, the City of Boston will make all reasonable efforts to minimize interference with the Owners’ access to and egress from and use of their properties.

The Temporary Construction Easements shall commence on March 1, 2017, and shall terminate automatically four (4) years therefrom, or February 28, 2021 (the “Term”), without the necessity of recording any instrument with the Registry of Deeds.

Permanent Sidewalk Easements: Permanent and non-exclusive easements for all purposes for which public sidewalks are used in the City of Boston, including, but not limited to, public access on foot, or by wheelchair, including providing a pedestrian path compliant with the

Americans with Disabilities Act, to pass and re-pass, and for construction, grading, re-grading, operation, maintenance, repair and replacement of the sidewalks, together with related utilities, access ramps, traffic signs and poles for traffic signals and street lights, landscaping and plantings, in, over, under, through, across, upon and along certain properties, identified on the Plans as 5-C, 6-C, 7-C, 8-C, 10-C, 11-C and 12-C (the "Permanent Sidewalk Easement Premises," together with the Temporary Easement Premises, the "Easement Premises"), including the right to construct, install, maintain, repair, replace, relocate and abandon in place the sidewalks, to enter upon and/or authorize others to enter upon, from time to time, the said properties for all the foregoing purposes and at any time, or from time to time, without any further payment to the property owners, to cut, trim and/or remove trees, brush, overhanging branches, and any other obstructions to the extent the City deems necessary to clear or keep clear the easement areas.

The Easement Premises are acquired in connection with a project commonly known as "Boston Traffic Signal Improvements at 9 Intersections" (the "Project"). Acquisition of the property interests for the Project is governed by Public Law 91-646, The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and specifically 42 U.S.C. §§4601 et seq. and 49 CFR §§24.1 et seq.

Any and all trees and structures located upon the Easement Premises are included in this taking. Notwithstanding the foregoing, there is excepted from this Order of Taking all easements to public utility companies for wires, pipes, conduits, poles, and appurtenances for the conveyance of water, sewage, gas and electricity and for telephone communications and television transmission now lawfully in or upon the Easement Premises and the lawful rights of the public to use those parts of the public streets and ways which may be included in the foregoing description.

Said parcels of land are owned, supposed to be owned, and/or formerly owned by the persons listed in Schedule A attached hereto, hereinafter collectively referred to as the Owners. If in any instance the name of the Owner is not correctly stated, the name of the supposed Owner(s) is provided in this Order of Taking, and further it is understood that in such instance where the land referred to is owned by an Owner or Owners unknown to the City, said parcels of land are hereby taken.

No damages are awarded to the Owners in connection with those takings set forth in Schedule B attached hereto, as these Owners have waived the right to an appraisal and damages. Damages are awarded to those Owners in connection with those takings set forth in Schedule C attached hereto, in accordance with the provisions of G.L. c.79, §6, said damages set forth in Schedule D, which Schedule D shall not be recorded with the Registry of Deeds.

No betterments are to be assessed under this Order of Taking.

WHEREAS, the Public Facilities Commission, by virtue of the requirements contained in Section 3(f)(ii) of Chapter 642 of the Acts of 1966 has the authority to delegate any of its powers or functions to any other department or officer of the City of Boston and such officer or department is authorized and directed to accept such delegation and exercise the power and perform the function so delegated; and

WHEREAS, the Public Facilities Commission, by virtue of the requirements contained in Section (3)(f)(v) of Chapter 642 of the Acts of 1966 has the power and authority to make and execute all

contracts, documents and instruments, and to record orders and instruments necessary or convenient for the exercise and fulfillment of the Commission's powers, duties and responsibilities pursuant to this Act.

NOW, THEREFORE, BE IT VOTED: That the Commissioner of the Boston Transportation Department for the City of Boston be, and hereby is, authorized to execute and deliver all contracts, documents or other instruments, which are approved as to form by the Corporation Counsel for the City of Boston or the First Assistant Corporation Counsel for the City of Boston, in the name and on behalf of the Commission, when such are deemed necessary or appropriate to effectuate the purposes of the aforementioned Order of Taking, and to record any and all of the required documents concerning the same with the Suffolk Registry of Deeds.

WITNESS our hands and seals this 18th day of August, 2016.

PUBLIC FACILITIES COMMISSION

_____, Chair
Katherine P. Craven

_____, Member
Lawrence D. Mammoli

_____, Member
Dion S. Irish

APPROVED AS TO FORM:

Henry C. Luthin
First Assistant Corporation Counsel
City of Boston

Colleen Daley
Secretary for the PFC

COMMONWEALTH OF MASSACHUSETTS

Suffolk, ss.

On this 18th day of August, 2016, then personally appeared before me the above-named members of the City of Boston Public Facilities Commission, and acknowledged the foregoing to be their free act and deed on behalf of the City of Boston Public Facilities Commission.

Notary Public
My Commission Expires:

SCHEDULE A – Property Owners and Interests Taken

TE-1

Record Owner: Manuel Baptista and Maria Baptista
Property Address: 149-157 Stoughton Street, Boston, Massachusetts
Mailing Address: 157 Stoughton Street, Boston, MA 02125
Title Reference: Suffolk Registry of Deeds, Book 31386, Page 301
Interests Taken: TE-1 (Temporary Easement – Sidewalk Reconstruction Work) (73+/- SF)

TE-2

Record Owner: Stacey A. Cordeiro
Property Address: 65 Pleasant Street, Boston, Massachusetts
Mailing Address: 65 Pleasant Street, Boston, MA 02125
Title Reference: Suffolk Registry of Deeds, Book 49349, Page 212
Interests Taken: TE-2 (Temporary Easement – Sidewalk Reconstruction Work) (20+/- SF)

10-C and TE-4

Record Owner: Roman Catholic Archbishop of Boston
Property Address: 74 Union Park Street, Boston, Massachusetts
Mailing Address: Roman Catholic Archdiocese of Boston, 66 Brooks Drive, Braintree, MA 02184 Attention: Deb Dillon
Title Reference: Suffolk Registry of Deeds, Book 8050, Page 340; Book 34682, Page 325 and Book 46999, Page 154
Interests Taken: 10-C (Permanent Easement – Sidewalk Reconstruction Work) (83+/- SF)
TE-4 (Temporary Easement – Sidewalk Reconstruction Work) (268+/- SF)

11-C

Record Owner: Rollins Square Condominium
Property Address: 1320 Washington Street, Boston, Massachusetts
Mailing Address: Rollins Square Condominium Trust, Board of Trustees, 2 Rollins Street, Boston, MA 02118 Attention: Ellen Cunniff, Property Manager
Title Reference: Suffolk Registry of Deeds, Book 30255, Page 223 (Master Deed)
Interests Taken: 11-C (Permanent Easement – Sidewalk Reconstruction Work) (39+/- SF)

TE-16

Record Owner: Reina T. Henriquez
Property Address: 80 Bennington Street, Boston, Massachusetts
Mailing Address: 80 Bennington Street, East Boston, MA 02128
Title Reference: Suffolk Registry of Deeds, Book 35948, Page 73
Interests Taken: TE-16 (Temporary Easement – Sidewalk Reconstruction Work) (8+/- SF)

12-C and TE-17

Record Owner: Susan Catricala
Property Address: 82 Bennington Street and 161 Marion Street, Boston, Massachusetts
Mailing Address: 80 Oakland Street, Malden, MA 02148
Title Reference: Suffolk Registry of Deeds, Book 18033, Page 142
Interests Taken: 12-C (Permanent Easement – Sidewalk Reconstruction Work) (8+/- SF)
TE-17 (Temporary Easement – Sidewalk Reconstruction Work) (53+/- SF)

TE-22 and TE-23

Record Owner: Gino DeSimone, Jr. and Marco DeSimone
Property Address: 221 London Street, Boston, Massachusetts
Mailing Address: 62R Everett Street, Everett, MA 02149
Title Reference: Suffolk Registry of Deeds, Book 37297, Page 157
Interests Taken: TE-22 (Temporary Easement – Sidewalk Reconstruction Work) (23+/- SF)
TE-23 (Temporary Easement – Sidewalk Reconstruction Work) (18+/- SF)

TE-24, TE-25 and TE-26

Record Owner: Joseph Beddia and Linda Beddia
Property Address: 223 London Street, Boston, Massachusetts
Mailing Address: 17464 SE77 Sycamore Avenue, Villages, FL 32162
Title Reference: Suffolk Registry of Deeds, Book 46637, Page 78
Interests Taken: TE-24 (Temporary Easement – Sidewalk Reconstruction Work) (3+/- SF)
TE-25 (Temporary Easement – Sidewalk Reconstruction Work) (8+/- SF)
TE-26 (Temporary Easement – Sidewalk Reconstruction Work) (16+/- SF)

5-C

Record Owner: La-Connia Peters
Property Address: 119 Woodhaven Street, Boston, Massachusetts
Mailing Address: 119 Woodhaven Street, Boston, MA 02126
Title Reference: Suffolk Registry of Deeds, Book 40468, Page 78
Interests Taken: 5-C (Permanent Easement – Sidewalk Reconstruction Work) (97+/- SF)

6-C and TE-53

Record Owner: Gary John and Katie B. Days
Property Address: 126 Woodhaven Street, Boston, Massachusetts
Mailing Address: 126 Woodhaven Street, Boston, MA 02126
Title Reference: Suffolk Registry of Deeds, Book 46514, Page 301
Interests Taken: 6-C (Permanent Easement – Sidewalk Reconstruction Work) (28+/- SF)
TE-53 (Temporary Easement – Meet Existing Driveway) (55+/- SF)

7-C

Record Owner: Boston Catholic Cemetery Association
Property Address: Calvary Cemetery, 366 Cummins Highway, Boston, Massachusetts
Mailing Address: 366 Cummins Highway, Roslindale, MA 02131 Attention: Bill Hewitt
Title Reference: Suffolk Registry of Deeds
Interests Taken: 7-C (Permanent Easement – Sidewalk Reconstruction Work) (415+/- SF)

8-C and TE-41

Record Owner: Mary Lou Donovan and Paul J. Kilgarriff, Trustees of the Granite Trading Realty Trust
Property Address: 548 Cummins Highway, Boston, Massachusetts
Mailing Address: P.O. Box 74, Roslindale, MA 02131
Title Reference: Suffolk Registry of Deeds, Book 15040, Page 300
Interests Taken: 8-C (Permanent Easement – Sidewalk Reconstruction Work) (36+/- SF)
TE-41 (Temporary Easement – Sidewalk Reconstruction Work) (167+/- SF)

TE-42

Record Owner: W.C. Canniff & Sons, Inc.
Property Address: 531 Cummins Highway, Boston, Massachusetts
Mailing Address: c/o Edward T. Canniff, President, 531 Cummins Highway, Boston, MA 02131
Title Reference: Suffolk Registry of Deeds, Book 4486, Page 575; Book 4669, Page 556; Book 4957, Page 187; Book 5045, Page 261 and Book 5628, Page 541
Interests Taken: TE-42 (Temporary Easement – Sidewalk Reconstruction Work) (364+/- SF)

TE-43

Record Owner: Mary Lou Donovan and Paul J. Kilgarriff, Trustees of the Granite Trading Realty Trust
Property Address: 539-543 Cummins Highway, Boston, Massachusetts
Mailing Address: P.O. Box 74, Roslindale, MA 02131
Title Reference: Suffolk Registry of Deeds, Book 15040, Page 300
Interests Taken: TE-43 (Temporary Easement – Sidewalk Reconstruction Work) (207+/- SF)

TE-54

Record Owner: Wilkes Passage Lofts Condominium
Property Address: 1313 Washington Street, Boston, Massachusetts
Mailing Address: c/o Board of Trustees, 1313 Washington Street, Boston, MA 02118
Title Reference: Suffolk Registry of Deeds, Book 29123, Page 310 (Master Deed)
Interests Taken: TE-54 (Temporary Easement – Sidewalk Reconstruction Work) (463+/- SF)

SCHEDULE B – Property Owners Who Have Donated

10-C and TE-4

Record Owner: Roman Catholic Archbishop of Boston
Property Address: 74 Union Park Street, Boston, Massachusetts
Mailing Address: Roman Catholic Archdiocese of Boston, 66 Brooks Drive, Braintree, MA
02184 Attention: Deb Dillon
Title Reference: Suffolk Registry of Deeds, Book 8050, Page 340; Book 34682, Page 325 and
Book 46999, Page 154
Interests Taken: 10-C (Permanent Easement – Sidewalk Reconstruction Work) (83+/- SF)
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Title Reference: Suffolk Registry of Deeds, Book 29123, Page 310 (Master Deed)
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SCHEDULE C – Property Owners To Be Compensated

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Record Owner: Manuel Baptista and Maria Baptista
Property Address: 149-157 Stoughton Street, Boston, Massachusetts
Mailing Address: 157 Stoughton Street, Boston, MA 02125
Title Reference: Suffolk Registry of Deeds, Book 31386, Page 301
Interests Taken: TE-1 (Temporary Easement – Sidewalk Reconstruction Work) (73+/- SF)

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