

SPECIAL MEETING OF THE CITY COUNCIL, NOVEMBER 9, 2011

Meeting was called to order at 6:32 P.M.

Attendance was taken by a roll call vote; all members were present.

Also present was DPW Director Patrick LaPointe, City Engineer John Roseberry and Grant writer Wendy Wiiks.

A recess was called at 6:33 P.M. to discuss the following Communication.

Meeting reconvened at 6:50 P.M.

The following COMMUNICATION was received with an EMERGENCY PREAMBLE and referred to the LEGAL AFFAIRS COMMITTEE. Vt. 9/0 Upon recommendation of the LEGAL AFFAIRS COMMITTEE, the following COMMUNICATION was GRANTED AND ORDERED. Vt. 9 "yeas"

C-24 Dean J. Mazzarella, Mayor: Acceptance of ten land takings for the purpose of reconstructing Merriam Avenue and Lindell Avenue.

COMMONWEALTH OF MASSACHUSETTS

CITY CLERK'S OFFICE  
LEOMINSTER, MA

WORCESTER, ss.

CITY OF LEOMINSTER 25  
2011 NOV 17 4 11 PM

ORDER OF TAKING

At a regularly convened meeting of the CITY COUNCIL of the CITY OF LEOMINSTER held the 9 day of November, 2011, it was voted and ordered:

The City Council of the City of Leominster duly elected, qualified, and acting as such, pursuant to its vote of November 9, 2011, a certified copy of which is attached hereto, and by virtue of and in accordance with the authority of the provisions of Chapter 79 and Chapter 40, Section 14 of the General Laws, as amended, and of any and every other power and authority which is hereunto in any way enabling, does hereby take, on behalf of the City:

1. A perpetual easement in, under, over, upon and through that land shown as "Proposed Sidewalk Easement Area = 29 ± Sq. Ft." on a plan entitled: "Sidewalk Easement, Merriam & Lindell Ave, Leominster, MA 01453, Prepared for: City of Leominster, Department of Public Works, 109 Graham Street, Leominster, MA 10453, 'E-1'", dated October 25, 2011, prepared by Coler & Colantonio, Inc., for all purposes for which public sidewalks are used in the City of Leominster; and

2. Temporary easements in, under, over, upon and through those lands shown as Parcel TE-1, Parcel TE-2, Parcel TE-3, Parcel TE-4, Parcel TE-5, Parcel TE-6, Parcel TE-7, Parcel TE-8, Parcel TE-9, and Parcel TE-10 on a plan entitled: "Temporary Easement Plan, Merriam & Lindell Ave., Leominster, MA 01453, Prepared for: City of Leominster, Department of Public Works, 109 Graham Street, Leominster, MA 10453, 'E-1'", dated November 7, 2011, prepared by Coler & Colantonio, Inc., for all purposes incidental to construction of public improvements in or near the abutting public ways, which purposes shall include, without limitation, surveying, constructing, inspecting, and installing roadway improvements upon the adjacent roadways and upon the permanent easement area described above, including entry by foot, vehicle, and heavy equipment for all purposes stated herein and uses incidental thereto, the erection of temporary structures, the parking and storage of vehicles and equipment, changing the grade of the temporary easement areas to accommodate permanent improvements within such roadways and upon said permanent easement, and all other acts incidental thereto. The temporary easements shall expire three (3) years from the date this Order is recorded, provided that the completed grades and slopes in said easement areas shall be maintained in perpetuity.

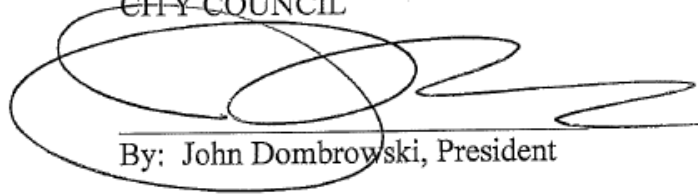
This taking does not include structures presently situated on the easement premises, but does include the right of the City to remove such structures whenever their removal shall be required for said easement purposes. This taking does include such trees and shrubs within the easement premises whose removal is necessary to carry out the purposes of the easements taken herein. By this Order, the City takes no interest in existing easements, if any, affecting the easement premises.

The lands affected by the herein taking are owned or supposedly owned by the owners listed in Schedule A, attached hereto and incorporated within. If in any instance the name of any owner is not correctly stated in Schedule A, it is understood that in such instance the land referred to is owned by an owner or owners unknown to the City.

Said owners have waived damages and a right of appraisal of said damages, and we therefore award no damages to those persons for the herein taking. No betterments are to be assessed under this taking.

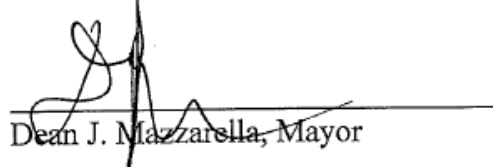
IN WITNESS WHEREOF, I, the duly elected and qualified President of the City Council of the City of Leominster have hereunto set my hand this 9 day of November, 2011.

CITY OF LEOMINSTER  
CITY COUNCIL



By: John Dombrowski, President

APPROVED

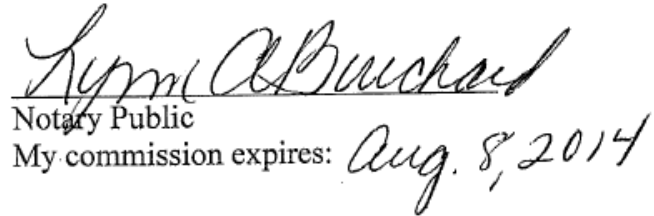


Dean J. Mazza, Mayor

COMMONWEALTH OF MASSACHUSETTS

WORCESTER, ss.

On this 9 day of November, 2011, before me, the undersigned Notary Public, personally appeared John Dombrowski, President of the City Council of the City of Leominster, who proved to me through satisfactory evidence of identification, which were personal knowledge, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.



Notary Public  
My commission expires: Aug. 8, 2014

MEETING ADJOURNED AT 6:58 P.M.

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Lynn A. Bouchard, City Clerk  
and Clerk of the City Council