

BOSTON TRANSPORTATION DEPARTMENT

Minutes

Public Facilities Commission
Boston Transportation Department
26 Court Street, 1st Floor, Winter Chambers
Boston, MA 02108

August 15, 2018

ATTENDING:

Katherine P. Craven, Chair
Lawrence D. Mammoli, Commissioner
Dion S. Irish, Commissioner
Angela D. Atchue, Senior Legal Officer, PFC/PFD
Colleen M. Daley, PFC Secretary
Catherine P. Pendleton, Articled Clerk, PFC/PFD
Henry C. Luthin, First Assistant Corporation Counsel, Law Department
David Zuares, Assistant Corporation Counsel, Law Department
James Gillooly, Deputy Commissioner, Boston Transportation Department
Patrick Hoey, Senior Transportation Planner, Boston Transportation Department
Tracy Litthcut, Administrative Assistant, Boston Transportation Department
Brian P. Vaillancourt, Certified Project Manager, AECOM
Melissa Ryan, Planner Transportation, New England, AECOM

Chair Craven called the meeting to order.

VOTE 1: James Gillooly, Deputy Commissioner, Boston Transportation Department and Brian P. Vaillancourt, Manager of the Planning and Permitting Department, AECOM Technical Services, Inc.

Order of Taking: Various property interests located in Dorchester and Roxbury for the Blue Hill Avenue and Warren Street Traffic-Signal Improvements project.

ORDER OF TAKING

City of Boston Public Facilities Commission

At a regularly convened meeting of the Public Facilities Commission of the City of Boston, held on August 15, 2018, 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 installing, constructing, reconstructing, repairing and replacing portions of Blue Hill Avenue (Route 28) and Warren Street, shown on certain plans entitled "Easements Plan of Land Blue Hill Avenue – Warren Street Dorchester, MA," dated August 1, 2018, prepared by Lighthouse Land Surveying, LLC, recorded with the Suffolk Registry of Deeds in Plan Book _____, Page _____ (the "Plans"), the following interests in land:

Permanent Easements: Non-exclusive permanent easements for all purposes for which public ways 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 roads, 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 as "E-1-C," "E-2-C," "E-3-C," "E-5-C," "E-7-C," "E-8-C," "E-9-C," "E-10-C," "E-11-C," "E-12-C" and "E-13-C," including the right to construct, install, maintain, repair, replace, relocate and abandon in place roads and 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 "Permanent Easement Premises"). Notwithstanding the foregoing, the rights acquired with respect to the Permanent Easement Premises extend one (1) foot subsurface (measured from the top of the existing sidewalk) and not above any first story constructed at the building, but in no event more than ten (10) feet above the existing sidewalk.

Temporary Construction Easements: Non-exclusive temporary construction easements for the purpose of constructing the Project, identified below, 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, in, over, under, across, upon and along the parcels of land identified as "TE-1," "TE-3," "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" and "TE-22" (the "Temporary Construction Easement Premises," together with the Permanent Easement Premises, the "Easement Premises"), including the right to access, pass and re-pass over, under, across, upon and along the Easement Premises, by foot and motor vehicle, including heavy equipment, for the aforesaid purposes.

The Temporary Construction Easements shall terminate automatically four (4) years from the recording/filing of this Order of Taking, and shall terminate without the necessity of recording any instrument with the Registry of Deeds or filing any instrument with the Registry District of the Land Court.

In exercising the rights to the Easement Premises, 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 Easement Premises are acquired in connection with a project commonly known as "Blue Hill Avenue (Route 28) & Warren Street Traffic Signal Improvements" (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 and incorporated herein, 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.

Damages are awarded to the Owners in accordance with the provisions of G.L. c.79, §6, said damages set forth in Schedule B, which Schedule B shall not be recorded with the Registry of Deeds. No damages are awarded to the Owners in connection with those takings set forth in Schedule C, attached hereto, as these Owners have waived the right to damages. Schedule C 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 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 and file any and all of the required documents concerning the same with the Suffolk Registry of Deeds and the Suffolk Registry District of the Land Court.

WITNESS our hands and seals this 15th day of August, 2018.

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 Public Facilities Commission

COMMONWEALTH OF MASSACHUSETTS

Suffolk, ss.

On this 15th day of August, 2018, 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

Property Owner: Frank H. Royster and Lizzie Royster

Interest(s) Acquired: E-1-C (21± S.F.) (Sidewalk)

Property Address: 1143-1147 Blue Hill Avenue, Dorchester, Massachusetts

Mailing Address: 6232 Robin Hollow Drive, Mint Hill, NC 28227-9347

Deed Reference: Suffolk Registry District of the Land Court, Certificate of Title 100591, Parcel shown on Land Court Plan 15005A

Property Owner: SLEL Realty, LLC

Interest(s) Acquired: E-13-C (13± S.F.) (Sidewalk)

Property Address: 1140-1158 Blue Hill Avenue, Dorchester, Massachusetts

Mailing Address: c/o Sean Lee, 12 Cattail Lane, Sharon, MA 02067

Deed Reference: Suffolk Registry District of the Land Court, Certificate of Title 128540, Lot 1 shown on Land Court Plan 8363C

Property Owner: Asterio Politis and Toula Politis, Trustees of the 1132 Blue Hill Trust

Interest(s) Acquired: E-2-C (6± S.F.) (Sidewalk); E-12-C (8± S.F.) (Sidewalk); TE-16 (20± S.F.) (Construction Access); TE-17 (19± S.F.) (Construction Access); TE-18 (20± S.F.) (Construction Access) and TE-19 (20± S.F.) (Construction Access)

Property Address: 6 Livingstone Street, Dorchester, Massachusetts

Mailing Address: 54 Parklawn Road, West Roxbury, MA 02132

Deed Reference: Suffolk Registry District of the Land Court, Certificate of Title 98119, Parcel shown on Land Court Plan 8675A

Property Owner: Terry Ann Jahumpa, Trustee of the New Norton Realty Trust

Interest(s) Acquired: E-3-C (18± S.F.) (Sidewalk); TE-14 (36± S.F.) (Construction Access) and TE-15 (45± S.F.) (Construction Access)

Property Address: 1137 Blue Hill Avenue, Dorchester, Massachusetts

Mailing Address: 617 York Avenue, Pawtucket, RI 02861

Deed Reference: Suffolk Registry of Deeds, Book 34767, Page 251

Property Owner: Christ Stamatou and George Stamatou, Trustees of the Modernova at 1096 Condominium Trust

Interest(s) Acquired: E-5-C (5± S.F.) (Sidewalk); TE-12 (50± S.F.) (Construction Access) and TE-21 (33± S.F.) (Construction Access)

Property Address: 1096 Blue Hill Avenue, Dorchester, Massachusetts

Mailing Address: Stamatou Property Management Corp., 619 Centre Street, Jamaica Plain, MA 02130

Deed Reference: Suffolk Registry of Deeds, Book 40509, Page 246

Property Owner: St. Luke Christian A. M. E.

Interest(s) Acquired: TE-20 (195± S.F.) (Grading/Wheelchair Ramp Construction)

Property Address: 1095 Blue Hill Avenue, Dorchester, Massachusetts

Mailing Address: 1099 Blue Hill Avenue, Dorchester, MA 02124

Deed Reference: Suffolk Registry of Deeds, Book 9778, Page 86

Property Owner: Antioch Missionary Baptist Church, Inc.

Interest(s) Acquired: E-7-C (28± S.F.) (Sidewalk); TE-9 (27± S.F.) (Construction Access) and TE-13 (10± S.F.) (Construction Access)

Property Address: 1080-1088 Blue Hill Avenue, Dorchester, Massachusetts

Mailing Address: 1082 Blue Hill Avenue, Dorchester, MA 02124

Deed Reference: Suffolk Registry of Deeds, Book 10412, Page 39

Property Owner: HS Land Trust LLC, Trustee of 883 Blue Hill Avenue Realty Trust

Interest(s) Acquired: TE-1 (474± S.F.) (Grading/Construction Access)

Property Address: 883 Blue Hill Avenue, Dorchester, Massachusetts

Mailing Address: c/o 883 Blue Hill Avenue Realty, 100 Hallet Street, Suite 201, Boston, MA 02124

Deed Reference: Suffolk Registry of Deeds, Book 55794, Page 125

Property Owner: The Boys and Girls Club of Boston, Inc.

Interest(s) Acquired: E-9-C (661± S.F.) (Wheelchair Ramp/Loop Detectors) and TE-6 (265 ± S.F.) (Driveway Construction/Construction Access)

Property Address: 115 Warren Street, Roxbury, Massachusetts

Mailing Address: 115 Warren Street, Roxbury, MA 02119

Deed Reference: Suffolk Registry of Deeds, Book 8065, Page 537 and Book 13089, Page 47

Property Owner: Resurrection Lutheran Church, Inc.

Interest(s) Acquired: E-11-C (252± S.F.) (Wheelchair Ramp/Traffic Signal Controller) and TE-8 (237± S.F.) (Sidewalk Construction/Construction Access)

Property Address: 94 Warren Street, Roxbury, Massachusetts

Mailing Address: 94 Warren Street, Roxbury, MA 02119

Deed Reference: Suffolk Registry of Deeds, Book 3877, Page 268; Book 3877, Page 273; Book 8024, Page 484 and Book 8024, Page 485

Property Owner: PNC ARHPF, New Port Antonio Apts, LLC

Interest(s) Acquired: E-8-C (51± S.F.) (Sidewalk) and TE-5 (325± S.F.) (Sidewalk Construction)

Property Address: 515 Warren Street, Dorchester, Massachusetts

Mailing Address: 500 West Jefferson Street, Louisville, KY 40202

Deed Reference: Suffolk Registry of Deeds, Book 55379, Page 318

Property Owner: Brunswick Holborn Two, Limited Partnership

Interest(s) Acquired: TE-10 (61± S.F.) (Wheelchair Ramp Construction)

Property Address: 544-542 Warren Street, Dorchester, Massachusetts

Mailing Address: 594 Columbia Road, Dorchester, MA 02125

Deed Reference: Suffolk Registry of Deeds, Book 40415, Page 149

Property Owner: Wayne Apartments Project, Limited Partnership

Interest(s) Acquired: TE-11 (34± S.F.) (Wheelchair Ramp Construction)

Property Address: 548 Warren Street, Dorchester, Massachusetts

Mailing Address: c/o Cruz Companies, 434 Massachusetts Avenue #300, Boston, MA 02118

Deed Reference: Suffolk Registry of Deeds, Book 15266, Page 315

Property Owner: Waumbeck Limited Partnership

Interest(s) Acquired: TE-22 (125± S.F.) (Wheelchair Ramp Construction)

Property Address: 2 Waumbeck Street, Dorchester, Massachusetts

Mailing Address: 2 Waumbeck Street, Dorchester, MA 02121 Attn: Frank Thomas

Deed Reference: Suffolk Registry of Deeds, Book 33101, Page 7 and Book 41054, Page 268

Property Owner: City of Boston, Department of Neighborhood Development

Interest(s) Acquired: TE-3 (183± S.F.) (Grading/Construction Access)

Property Address: Blue Hill Avenue, Dorchester, Massachusetts

Mailing Address: Department of Neighborhood Development, 26 Court Street, Boston, MA 02108

Property Owner: City of Boston, Department of Neighborhood Development

Interest(s) Acquired: E-10-C (718± S.F.) (Wheelchair Ramp/Loop Detectors) and TE-7 (499± S.F.) (Driveway Construction/Construction Access)

Property Address: 135 Dudley Street, Roxbury, Massachusetts

Mailing Address: Department of Neighborhood Development, 26 Court Street, Boston, MA 02108

NOTE: Jim Gillooly provided an overview of the project.

NOTE: Chair Craven requested that Brian Vaillancourt provide an overview of the permanent easements because it's in the public's interest and the materials are readily available to review if interested.

NOTE: Brian Vaillancourt provided further details concerning the due diligence and the process that was done for each of the temporary and permanent easements.

NOTE: Chair Craven asked, "How wide does a sidewalk have to be?"

NOTE: Brian Vaillancourt replied, "The minimum, I believe, is six (6) feet, but what drives a lot of these permanent sidewalk easements is the fact that we need an accessible path around the wheelchair ramp itself. Once you get up the level landing you then need to have an accessible path to travel."

NOTE: Chair Craven stated, "Thank you." She then asked if there were any questions from the Commissioners.

NOTE: Commissioner Mammoli stated, "Concerning the 135 Dudley Street permanent easement with DND, since this site will never in the future be a housing site, DND should probably consider transferring the parcel to the care and custody of the Public Works Department (PWD) because in essence it's a street."

NOTE: Chair Craven stated, "Good point for the minutes Commissioner." She then asked if there were any other questions from the Commissioners. No further questions were raised.

NOTE: On a motion duly made and seconded, the vote was unanimously approved.

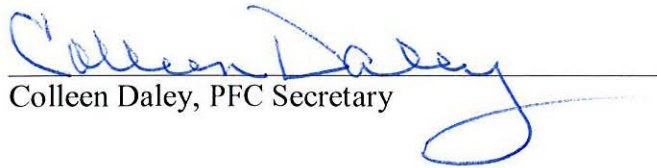
NOTE: James M. McDonough, Jr., Senior Attorney for DND provided the answer to Commissioner Mammoli's question via a supplemental memorandum, which is enclosed with the meeting minutes as an exhibit.

Exhibits: August 15, 2018, project background memorandum with enclosures and PowerPoint presentation. DND supplemental memorandum, dated September 12, 2018.

NOTE: The August 15, 2018 Public Facilities Commission Meeting is available at the web address of https://www.cityofboston.gov/cable/video_library.asp?id=26825.

A True Record.

The meeting commenced at 9:48 a.m. and adjourned at 10:07 a.m.


Colleen Daley, PFC Secretary