

MEMORANDUM

To: Board of Selectmen

From: Karis North

Re: WNFS Project- Land Acquisition and Disposition

Date: April 12, 2019

1. Summary of Requested Action

In order to construct the West Natick Fire Station, the Board of Selectmen have to take land, and then dispose of and acquire land (referred to as the “land swap”). All of these actions have been previously approved by Town Meeting. On April 16, 2019, I am requesting that the Board of Selectmen authorize an eminent domain taking, the first of these required steps, in order to complete these land transactions.

2. Background

The 2017 Fall Annual Town Meeting authorized the Board of Selectmen to transfer 5,374 square feet of certain land owned by the Town, in order to obtain 5,374 square feet of land owned by HC Atlantic Development. The HC Atlantic Development land was necessary for construction of the WNFS project. The Town Meeting articles authorizing this “swap” of parcels, and showing the parcel locations, are attached as Exhibits A and B.

After surveying the town owned land, in preparation for the disposition, a 197 square foot discrepancy between the lots lines, which runs along the boundary between the Town-owned parcel and land owned by Berman & Tannenbaum, LLC, was discovered. The discrepancy was not able to be resolved by title or survey work. Ultimately, it was determined that the only way to resolve the discrepancy and assure that the Town had sufficient title to dispose of the land was to authorize the Town to take the 197 square foot area (the Parcel to the Taken). No owner was ever established for that land. The 2018 Fall Annual Town Meeting voted such authorization. The Town Meeting article authorizing such action is attached as Exhibit C.

3. Steps Required to Acquire the 197 square foot parcel by Eminent Domain

Since Town Meeting has authorized the eminent domain taking, the Board of Selectmen must next vote to adopt an Order of Taking. The proposed Order of Taking, with the referenced draft plan, are attached as Exhibits D and E. Note that no damages are awarded, since the parcel is so small, and would have nominal impact on any land rights. Once the Order of Taking is adopted by the Board of Selectmen, and we receive

the final signed/stamped plan from the surveyor, my office will have both recorded. The taking is effective once recorded, and the Town becomes the land owner.

4. Next Steps

Once the taking is complete, the Town may dispose of its parcel, and acquire the HC Atlantic parcel. No RFP process is required for several reasons: (1) because of the unique attributes of the parcel being acquired; (2) because the cost to the Town to acquire the HC Atlantic parcel will be less than \$35,000; and (3) because the value of the property being acquired is less than \$35,000.

Counsel and the Procurement Director will work together to complete a declaration of unique acquisition which must be made by the Board of Selectmen, and publish that finding with the Central Register. We will also work together to prepare a further finding by the Board of Selectmen that the Town parcel is available for disposition. Ultimately, the parcels will be exchanged through the preparation, delivery, and recording of two deeds which transfer the ownership. Expect that the Procurement Director and/or Counsel to be back before the Board in coming meetings so that we can expeditiously complete this transaction.