

## 22 Pleasant Street

“Move that the Town vote to amend its previous votes under Article 35 of 2015 Spring Annual Town Meeting, Article 29 of 2016 Spring Annual Town Meeting, Article 27 of 2017 Fall Annual Town Meeting which votes authorized negotiation, appropriation of funds borrowing for the acquisition of property known as 22 Pleasant Street; being shown as Assessors Map 64, Lot 44 in South Natick (the Site) by purchase, gift, eminent domain, or otherwise but which contain a condition that Board of Selectmen were not authorized to acquire said property unless a Purchase and Sale Agreement, satisfactory to the Board of Selectmen, is entered into with the owner of said property in order to

- 1) Amend the condition which currently reads “provided that the Board of Selectmen is not authorized to acquire said property unless a Purchase and Sale Agreement, satisfactory to the Board of Selectmen, is entered into with the owner of said property” so that such condition now reads “provided, in the event of a fee purchase of said property, that the Board of Selectmen is not authorized to acquire said property unless a Purchase and Sale Agreement, satisfactory to the Board of Selectmen, is entered into with the owner of said property and that such requirement for a Purchase and Sale Agreement shall not apply to acquisition by eminent domain taking or gift”
- 2) Amend the condition of Article 35 of Spring 2015 which currently reads “to authorize the Board of Selectmen to negotiate with the Owner of the 22 Pleasant Street Property to purchase and acquire the property for park and recreation purposes. Said property is to be acquired free and cleaned of all contamination for its intended use and purpose ” to now read “to authorize the Board of Selectmen to negotiate with the Owner of the 22 Pleasant Street Property to purchase and acquire the fee simple interest in the property for park, recreation access and related parking purposes. Said fee simple interest in the property is to be acquired free and cleaned of all contamination for its intended use and purpose”

and to provide an additional and alternative authorization for the Board of Selectmen

- a) To purchase, acquire, accept by gift, or take by eminent domain a comprehensive surface and air rights easement for park, recreation, access, and related parking purposes (“Comprehensive Easement”) for all, or substantially all, of the Site;
- b) To purchase, acquire, accept by gift, or take by eminent domain a limited or total sub surface easements for all or portions of the Site in conjunction with a Comprehensive Easement
- c) To vary any subsurface easement in depth and/or in lateral scope within the Site in order to avoid areas of i) underground contamination, including but not limited to any areas of contamination that rise or fall with periodic changes in the water table, ii) underground tanks and iii) underground areas containing any undesirable feature or condition
- d) That such Comprehensive Easement may alternatively be used for portions of the Site in conjunction with fee acquisition for other portions of the Site, provided that such combination result, at a minimum, in acquisition of all or substantially all the surface and air rights of the Site; and/or
- e) To use a Comprehensive Easement for all or substantially all of the Site either on a standalone basis or in combination with fee acquisition to acquire all beneficial surface and above ground rights, uses, buildings, structures, trees, areas of now or former canals located east of Pleasant

- Street, and the like, in conjunction with limited or total subsurface easements for improvements for utilities and drainage or other subsurface areas; and/or
- f) To negotiate and/or to impose an Activity and Use Limitation to encompass and/or to encapsulate and/or to pave over or otherwise restrict use of any areas of or over identified contamination;
  - g) To allow access, whether by right, permission or otherwise, through designated portions of the Site once acquired under this Article for the use of the Wellesley Cooperative Nursery School (or any similar charitable trust successor) located on deed restricted land under the deed of Isabella Pratt Hunnewell Shaw at Merrill Road (a private way) abutting Hunnewell Park
  - h) In connection with any fee acquisition, Comprehensive Easement, or combination thereof, either to permit or to require the owner of the Site or other party to:
    - i) remove all or part of the existing building,
    - ii) fill any basement or substructure areas that are removed with clean fill,
    - iii) excavate, remove and replace any contaminated soil with clean fill,
    - iv) excavate and remove any underground tanks and replace same with clean fill,
    - v) excavate and remove any underground wheels, machines, generators, water flow harnessing devices, and the like and replace same with clean fill,
    - vi) the preference being that areas of now or former canals east of Pleasant St not be filled in such a way that such canal use cannot be revived
    - vii) specify that such removal and replacement activities may occur either before or for a period of time after the closing on or eminent domain taking of the Town contemplated under this Article,
    - viii) that access may be allowed for the owner or other party after the closing, or eminent domain taking for such period of time as the Selectmen may negotiate to accomplish the purposes of this Article, and/or
    - ix) that such subsequent access may include monitoring of the Site
  - i) To acquire as part of any Comprehensive Easement or fee include:
    - i) the portions of the Charles River that are recorded as part of the 22 Pleasant Street lot; and
    - ii) any and/or all above ground, surface and/or subsurface utilities serving or accessible to 22 Pleasant Street; and
    - iii) any and/or all rights of 22 Pleasant St on, of and/or to lands, flow lands, dam access and repair, submerged lands and or all other real property interests and rights located to the west of Pleasant Street.

Further, to authorize the Board of Selectmen and other applicable boards, commissions, and personnel to apply for and receive grants or gifts for the purposes of this Article and to take all action necessary or appropriate to accomplish the purposes of this Article;

And further provided that the term “substantially all” shall have the meaning provided under the warrant article

And further provided that all other provisions of the votes of Article 35 of Spring 2015 Town Meeting, Article 29 of Spring 2016 Town Meeting and Article 27 of Fall 2017 Town Meeting shall remain in full force and effect.