

November 16, 2022

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

Location:
Virtually via Zoom
Boston, MA 02201

RECEIVED
By City Clerk at 9:03 am, Nov 14, 2022

Meeting Time: 10:10 a.m.

Dear Commissioners:

I recommend that the following vote attached hereto and referred to as the Boston Public Works Department agenda, be approved by the Commission at its November 16, 2022 meeting:

**VOTE 1: Joseph Fleury, Principal Bridge Engineer, Boston Public Works Department (BPWD)
Brian Vaillancourt, Project Manager, Planning and Permitting Department, AECOM**

Order of Taking: For temporary construction easements located at the following addresses 160 North Washington Street (TE-3 and TE-4), 44 Charles River Avenue (TE-8) concerning the Public Works Department North Washington Street Bridge Replacement project.

Sincerely,

Jascha Franklin-Hodge
Commissioner
Public Works Department



PUBLIC WORKS DEPARTMENT

Boston City Hall • 1 City Hall Sq Rm 714 • Boston MA 02201-2024
The Office of the Streets, Transportation, and Sanitation
(617) 635-4900

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 November 16, 2022, 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 the North Washington Street Bridge (No. B-16-016) Over Boston Inner Harbor, shown on certain plans entitled “Easement Plan of Land North Washington Street Bridge City of Boston Suffolk County,” dated August 3, 2017, revised through October 28, 2022, prepared by Nitsch Engineering, recorded with the Suffolk Registry of Deeds in Plan Book _____, Page _____ (the “Plans”), the following interests in land:

Temporary Construction Easements: Temporary construction easements for the purpose of replacement of the North Washington Street Bridge Over Boston Inner Harbor, and for all uses incidental thereto, including, without limitation, temporary construction easements to facilitate the construction and reconstruction of a bridge, roads, sidewalks, utilities, 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-3, TE-4 and TE-8, more particularly described below (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 Permitted Uses. The temporary construction easements are more particularly described, as follows:

Sidewalk Construction Easement: temporary, non-exclusive easement for access to pass and repass for the purpose of the installation, construction, reconstruction, repair and replacement of public sidewalks. [TE-4]

Bridge Wingwall Modification Easement: temporary, non-exclusive easement for access to pass and repass for the purpose of the installation, construction, reconstruction, repair and replacement of bridge wingwalls, and related structures and improvements; work will involve the use of subsurface, surface and air rights of the Easement Premises. [TE-3]

Bridge Access and Construction Easement: temporary easement (non-exclusive as to 2,578 S.F. and exclusive as to 120 S.F.) for access to pass and repass for the purpose of the installation, construction, reconstruction, repair and replacement of a bridge, and related structures and

improvements; work will involve the use of subsurface, surface and air rights of the Easement Premises. [TE-4]

Bridge Access and Construction Easement: temporary, exclusive easement for access to pass and repass for the purpose of the installation, construction, reconstruction, repair and replacement of a bridge, and related structures and improvements; work will involve the use of subsurface, surface and air rights of the Easement Premises. [TE-8]

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 the date of recording of this instrument with the Suffolk Registry of Deeds and filing of this instrument with the Suffolk Registry District of the Land Court, and shall terminate automatically five (5) years therefrom without the necessity of recording any instrument with the Registry of Deeds or the Registry District of the Land Court.

The Easement Premises are acquired in connection with a project commonly known as "North Washington Street Over Boston Inner Harbor Bridge Replacement Project" (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 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 Public Works 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.