



CITY OF HAVERHILL CITY COUNCIL AGENDA

Tuesday, December 16, 2014 at 7:00 PM
City Council Chambers, Room 202

1. APPROVAL OF RECORDS OF THE PREVIOUS MEETING
2. ASSIGNMENT OF THE MINUTES REVIEW FOR THE NEXT MEETING
3. COMMUNICATIONS FROM THE MAYOR
4. COMMUNICATIONS AND REPORTS FROM CITY OFFICERS AND EMPLOYEES

NO SCHEDULE

5. UTILITY HEARING(S) AND RELATED ORDER(S)

5.1. Document 118, petition from National Grid to construct underground electric conduits at Merrimack st and West st

5.1.1.1. Order grant electric conduit location on Merrimack and West st

6. APPOINTMENTS

Attachments

6.1. Confirming Appointments

NO SCHEDULE

Non-confirming Appointments

1. *Smiley & Cogswell Properties Review Committee*
Councillor Macek, Bill Pillsbury & Orlando Pacheco
2. *Bike Committee* Andrew Cossar

Attachments

Resignations:

NO SCHEDULE

6.2.1 Petitions:

6.2.1.1 Petition from Mario Nehme requesting to operate a Used Car Dealership at 117 Winter st; with 22 spaces for car sales, 3 service spaces, 2 customer spaces & 2 for employees

(Hearing January 13th 2015)

6.2.1.2 Applications for Handicap Parking Signs:

3. Elba Baez, 120 Primrose st
4. Cynthia A Catlin, 94 River St; Unit 2

Attachments

6.3 Applications:

6.3.1 One Day Liquor Licenses

NO SCHEDULE



**CITY OF HAVERHILL
CITY COUNCIL AGENDA**

**Tuesday, December 16, 2014 at 7:00 PM
City Council Chambers, Room 202**

**6.3.2 Applications for Permit
NO SCHEDULE**

6.4 Tag Days

NO SCHEDULE

6.5 Annual License Renewals

6.5.1 Pool Table

Coin-ops

Sunday License

NO SCHEDULES

**6.5.1.1 Hawker/Peddler:
NO SCHEDULE**

Hawker or Peddler Engaged in Door to Door Sales

NO SCHEDULE

6.5.1.1 Drainlayer 2014 License

NO SCHEDULE

7 HEARINGS AND RELATED ORDERS

- 7.5.1 Document 102, Petition for Special Permit from Attorney William Faraci for Kerri Fronduto, Trustee of 13 High st Realty Trust, for a Repetitive Petition for property at 13 High st; and a vacant lot across the street; consisting of 6 residential units & 9 parking spaces on the vacant lot
Postponed from December 9th

Attachment

**8 MOTIONS AND ORDERS
NO SCHEDULE**

**8.1 Ordinances (File 10 Days)
NO SCHEDULE**



CITY OF HAVERHILL CITY COUNCIL AGENDA

Tuesday, December 16, 2014 at 7:00 PM
City Council Chambers, Room 202

9 UNFINISHED BUSINESS OF PRECEDING MEETING

9.1.1 Document 84-B; Order of Taking – Taking of Easement – 56-66 Merrimack st; to facilitate construction of the new access roadway into the Harbor Place Project

VETOED BY MAYOR

9.1.1.1 Document 84-B1; *New* Order of Taking

9.1.2 Document 84-BB; Order - Award of Damages regarding Easement, 56-66 Merrimack st
VETOED BY MAYOR

9.1.1.2 Document 84-BBB; Appraisal Report of Proposed Access, Utility & Piling Easement, 56-66 Merrimack st

Both postponed from December 9 2014

Related communication from City Solicitor William Cox

9.1.1.3 Document 129-D, communication from Councillor Daly O'Brien requesting a discussion regarding street parking on the corner of Locust & Essex st

Attachments

11. MONTHLY REPORTS

NO SCHEDULE

11.2 Communications from Councillors

11.2.1 Communication from Councillor Barrett requesting a discussion regarding notification to MVRTA and elderly housing complexes when streets are closed due to City events

11.2.2 Communication from Councillor McGonagle requesting a discussion about asking Mayor to lift the hiring freeze for the Haverhill Police Department

Attachments

11.3 Resolutions and Proclamations

NO SCHEDULE



CITY OF HAVERHILL CITY COUNCIL AGENDA

Tuesday, December 16, 2014 at 7:00 PM
City Council Chambers, Room 202

12. COUNCIL COMMITTEE REPORTS AND ANNOUNCEMENTS

12.1 COUNCIL COMMITTEE REPORTS

12.1.1 Councillor McGonagle submits recommendations of the *Traffic & Safety Committee* meeting held on December 9th
Attachment

12.2 DOCUMENTS REFERRED TO COMMITTEE STUDY

13 ADJOURN

Hearing December 16
2014

#5.1

Questions contact – Andrew Hadden 508-935-1610

Petition of the NATIONAL GRID
OF NORTH ANDOVER, MASSACHUSETTS
For Electric conduit Location:

To the City Council of Haverhill Massachusetts

Respectfully represents the NATIONAL GRID of North Andover, Massachusetts, that it desires to construct a line of underground electric conduits, including the necessary sustaining and protecting fixtures, under and across the public way or ways hereinafter named.

Wherefore it prays that after due notice and hearing as provided by law, it be granted permission to excavate the public highways and to run and maintain underground electric conduits, together with such sustaining and protecting fixtures as it may find necessary for the transmission of electricity, said underground conduits to be located substantially in accordance with the plan filed herewith marked – Merrimack St -Haverhill Massachusetts

The following are the streets and highways referred to:
13397798 Merrimack St & West St

Petitioning to install one 11x7 switch gear manhole adjacent to existing manhole #C-46 on Merrimack St. Manhole will be used for the installation of new primary switch. The location begins at a point approximately 50 feet west of the centerline of the intersection of West and Merrimack St.

Location approximately as shown on plan attached

IN CITY COUNCIL: November 18 2014

VOTED: that COUNCIL HEARING BE HELD DECEMBER 16 2014

Attest:

City Clerk

NATIONAL GRID
BY Bob Pelcoski
Engineering Department

[Handwritten signature]

118-B

5.1.1.1

City

ORDERED:

Notice having been given and public hearing held, as provided by law, that the NATIONAL GRID be and it is hereby granted permission to excavate the public highways and to run and maintain underground electric conduits, together with such sustaining and protecting fixtures as said company may deem necessary, in the public way or ways hereinafter referred to, and to make the necessary house connections along said extensions, as requested in petition with said company dated the 22nd day of October 2014 .

Said underground electric conduits shall be located substantially in accordance with the plan filed herewith marked -Merrimack St-Haverhill Massachusetts 123397798

The following are the public ways or part of ways along which the underground electric conduits above referred to may be laid:

Merrimack St & West St

Petitioning to install one 11x7 switch gear manhole adjacent to existing manhole #C-46 on Merrimack St. Manhole will be used for the installation of new primary switch. The location begins at a point approximately 50 feet west of the centerline of the intersection of West and Merrimack St.

For Hearing December 16

I hereby certify that the foregoing order was adopted at a meeting of the
....., held on the day of, 20

....., 20

Received and entered in the records of location orders of the City/Town of
Book Page

Attest:
.....

..... hereby certify that on20....., at o'clock,M
at, a public hearing was held on the petition of
NATIONAL GRID for permission to construct the underground electric conduits described in the
order herewith recorded, and that I mailed at least seven days before said hearing a written notice
of the time and place of said hearing to each of the owners of real estate (as determined by the last

7



JAMES J. FIORENTINI
MAYOR

**CITY OF HAVERHILL
MASSACHUSETTS**

CITY HALL, ROOM 100
FOUR SUMMER STREET
HAVERHILL, MA 01830
PHONE 978-374-2300
FAX 978-373-7544
MAYOR@CITYOFHAVERHILL.COM
WWW.CI.HAVERHILL.MA.US

December 12, 2014

City Council President John A. Michitson and
Members of the Haverhill City Council

RE: Smiley & Cogswell Properties Review Committee

Dear Mr. President and Members of the Haverhill City Council:

I hereby name Councilor Macek, Bill Pillsbury and Orlando Pacheco to the Smiley & Cogswell Properties Review Committee. These are non-confirming appointments.

Very truly yours,

James J. Fiorentini
Mayor

JJF/ah

2

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100
REET
830
!300
;44
HILL.COM
..MA.US



JAMES J. FIORENTINI
MAYOR

CITY OF HAVERHILL
MASSACHUSETTS

December 12, 2014

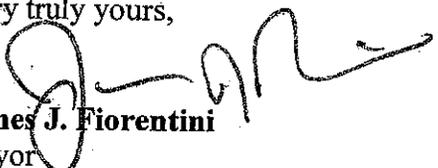
City Council President John A. Michitson and
Members of the Haverhill City Council

RE: Bike Committee

Dear Mr. President and Members of the Haverhill City Council:

I hereby name Andrew Cossar, 250 North Broadway, to the Bike Committee. This is a non-confirming appointment and I recommend your approval.

Very truly yours,


James J. Fiorentini
Mayor

JJF/ah

Hearing January 13
2015

Mario Nehme d/b/a Express Motors
117 Winter street
Haverhill, MA

6.2.1.1

City of Haverhill
City Council
4 Summer street
Haverhill, MA

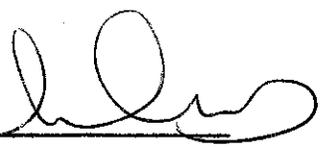
Subject: 117 Winter street Haverhill MA Motor Vehicle Class II License.

Dear Mr. Chairman

I am submitting this letter to ask your permission to keep on operating a Used Car Class II License in the above premises located at Assessors plan 108 block 15 lot 6. I am investing close to \$300,000 to purchase the dealership and the building. This site has been operating as a Used Car dealer and repair shop for more than 10 years and I would like to keep operating it as a Used Car dealer as a primary use. Enclosed please find the lot plan that allows the site to have 22 spaces for car sales and 3 spaces for service 2 for customers and 2 for employees. I am willing to do whatever the city council or the city officials require from me to attain that goal. Car sales have been in my family business for generations and I will do the best I can to provide the best honest service in my small business. Please consider my request and help me to establish my business in the city of Haverhill.

Best Regards,

Mario Nehme

Signature: 

Date: 12-6-14

978-457-0789



R.A.M. ENGINEERING

ROBERT A. MASYS, P.E.
160 MAIN STREET
HAVERHILL, MA 01830
TEL: 978-372-0449
FAX: 978-372-7183

LEGAL DESCRIPTION OF PROPERTY AT 117 WINTER STREET, HAVERHILL, MA.

BEGINNING AT THE NORTHEASTERLY INTERSECTION OF WHITE AND WINTER STREET,
THENCE, NORTHERLY ALONG THE EASTERLY SIDE OF WINTER STREET A DISTANCE OF 153.09
FEET,
THENCE, EASTERLY ALONG PROPERTY N / F OF HOUSE IN THREE COURSES, 32.50 FEET, 2.67
FEET, AND 37.50 FEET,
THENCE, SOUTHERLY ALONG PROPERTY N / F OF THE HAVERHILL YWCA A DISTANCE OF 150.50
FEET,
THENCE, WESTERLY ALONG THE NORTHERLY SIDE OF WINTER STREET A DISTANCE OF 70.00
FEET.
SAID PARCEL BEING KNOWN AS ASSESSORS PLAN # 108, BLOCK 15, LOT 6.

**John Wydola
40 Locke Street
Haverhill, MA**

November 24, 2014

City Of Haverhill
City Council
4 Summer Street
Haverhill, MA 01832

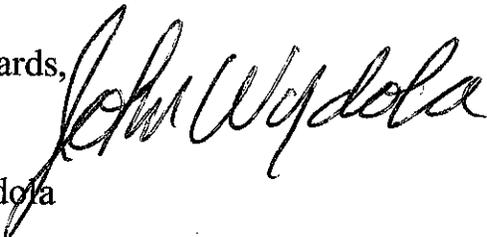
RE: 117 Winter Street Haverhill, MA

Dear Mr. Chairman,

I give permission to Mario Nehme d/b/a Express Motors to apply and operate a Used Car Business, (Motor Vehicle Dealers Class II License), at my property at the above address.

Best Regards,

John Wydola

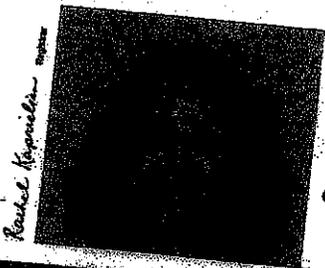
A handwritten signature in black ink that reads "John Wydola". The signature is written in a cursive style and is positioned to the right of the typed name "John Wydola".

P68119343

Expires:

12-10-18

**Disabled Persons
Parking Identification Placard**



Raula Kaprielian

BAEZ

ELBA

C

**Commonwealth of
Massachusetts**



Haverhill Police Department

40 Bailey Blvd Haverhill, MA 01830

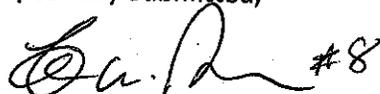
(978) 373-1212

To: Chief Denaro
From: Officer Powell
Date: December 5, 2014
Re: Handicap plate Sign request

Dear Sir,

I spoke with the applicant, Elba C. Baez of 120 Primrose St. She is requesting a handicap parking sign at that location. She does not have off street parking. I explained to her caretaker the procedure and rules of handicap parking signs. I recommend that a handicap sign be placed at this location.

Respectfully Submitted,



Officer Lance M. Powell #8

2

CITY OF HAVERHILL
APPLICATION FOR HANDICAP PARKING SIGN

*NEW

*RENEWAL

DATE OF REQUEST 11/21/2014 DATE OF APPROVAL _____

NAME: Cynthia A. Catlin

ADDRESS: 94 River Street Unit 2

C.2.1.2

TELEPHONE #: (978) 387-4265

VEHICLE TYPE: 1998 Ford Escort

PLATE #: 3319 YY

Do you currently have off street parking at your residence? ___ Yes No

If yes, why is there a need for a handicap parking sign? _____

Did you have a handicap parking sign at a previous address? ___ Yes No

If yes, location? _____

Cynthia Catlin

Applicant Signature

- Please include a copy of your current handicap placard or handicap registration, along with this application.

Approve

___ Denied

Reason for denial

Ala R. P. [Signature]
Chief of Police Signature

___ Approve

___ Denied

Reason for denial

City Council Approval

Please allow for a minimum of thirty (30) days for sign placement upon approval of City Council.

***ORDINANCE WILL EXPIRE 24 MONTHS FROM DATE OF APPROVAL.**

MAIL OR DELIVER COMPLETED APPLICATION TO CHIEF OF POLICE, 40 BAILEY BLVD.

Important: Remove before driving vehicle

WARNING

Per M.G.L. Ch.90, Sec 2 this Placard is for the exclusive use of the authorized holder while being transported in a private passenger vehicle. Wrongful use by any other person may result in revocation of Placard and a citation.

Penalties

(as of January 2010)

For wrongful display of this Placard in a vehicle parked in a designated handicapped parking space, or in a metered space:

Minimum Fine: \$500

Minimum Loss of License: 30 days



Please visit our website at
mass.gov/rmv

Haverhill Police Department

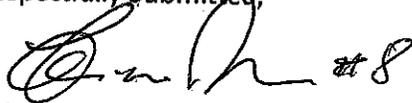
40 Bailey Blvd Haverhill, MA 01830
(978) 373-1212

To: Chief Denaro
From: Officer Powell
Date: December 5, 2014
Re: Handicap plate Sign request

Dear Sir,

I spoke with the applicant, Cynthia A. Catlin of 94 River St. #2. She is requesting a handicap parking sign at that location. She does not have off street parking. I explained to her the procedure and rules of handicap parking signs. I recommend that a handicap sign be placed at this location.

Respectfully Submitted,



Officer Lance M. Powell #8

P78025924

Expires:

07-08-18

**Disabled Persons
Parking Identification Placard**



Revised November 2008



GATLIN

CYNTHIA

A

**Commonwealth of
Massachusetts**



102
Hearing November 18

William S. Faraci
Attorney at Law
211 South Main Street
Bradford, MA 01835-7373
Tel. (978) 373-5520
Fax (978) 373-5262
e-mail: faracilaw@aol.com

2014
Hearing
7.5.1

September 12, 2014

John Michitson, President
Haverhill City Council
4 Summer Street
Haverhill, MA 01830

Re: 13 High Street

Dear President Michitson:

I represent Kerri Fronduto, Trustee of 13 High Street Realty Trust, the owner of property at 13 High Street and a vacant lot across the street which was the subject of a Special Permit Application to convert the building into 7 residential units with parking on the vacant lot to be used in connection with the building. Both the dimensional aspects of the multi-family home use and for the parking had been approved through a variance.

I am re-submitting the proposal for the Special Permit with significant material changes.

(a) The request is for 6 residential units and (b) A plan has been drawn which designates 9 parking spaces on the vacant lot in a scheme which complies with zoning.

I am filing 19 sets of plans. I am also filing the required brief. The list of abutters would be the same as for the last hearing, but I am supplying a form for the Assessor's office to confirm that. For informational purposes, an application in the form used by the Planning Board is enclosed and it has been initialed by the assistant building inspector.

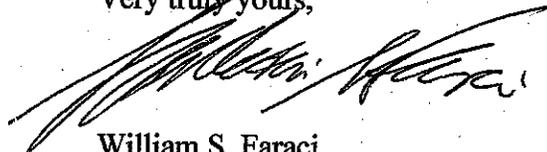
Because this application must be reviewed by the Planning Board as to the "repetitive petition" finding, I am hopeful that the council will refer this to Planning at its meeting on September 16. Copies of this application have been delivered to Planning this day in order to secure a place on their agenda for October 8.

The applicant waives the 65 day decision requirement.

IN CITY COUNCIL: September 16 2014
REFER TO PLANNING BOARD AND BE
VOTED: THAT COUNCIL HEARING BE HELD
NOVEMBER 18 2014
Attest:

City Clerk

Very truly yours,



William S. Faraci

IN CITY COUNCIL: November 18 2014
POSTPONE TO DECEMBER 9 2014
Attest:

City Clerk

IN CITY COUNCIL: December 9 2014
POSTPONED TO DECEMBER 16 2014
Attest:

City Clerk

PETITION FOR VARIANCE under the ZONING ORDINANCE

APPLICATION FOR SPECIAL PERMIT under the ZONING ORDINANCE

Backups
Info

Notice: This application must be typewritten; filed in duplicate and accompanied by a plan or the affected premises; a copy of the refusal by the Building Inspector or other authority.

The undersigned, petitions the Board of Appeals to vary, in the manner and for the reasons hereinafter set forth, the application of the provisions of the zoning ordinance to the following described premises.

APPLICANT: Kerri Fronduto, Trustee
13 High Street Realty Trust 4 Wayne Rd Peabody, MA 01960
Full Name Address

OWNER: Same
Full Name Address

LESSEE: None
Full Name Address

1. LOCATION OF PREMISES: 13 High Street and vacant lot across street

2. ASSESSORS PLAT: 515 295 3 Bldg 515-297-13 Lot
Plat No. Block No. Lot No.

2A. DEED OF PROPERTY RECORDED IN: Essex South District REGISTRY
BOOK: 32366 PAGE: 270

3. DIMENSIONS OF LOT: 29'x48'x3'x71.93'x41.44'x120.42' lot is 65'x44'

4. ZONING DISTRICTS IN WHICH PREMISES ARE LOCATED? CG

5. HOW LONG HAVE YOU OWNED THE ABOVE PREMISES? 13+ months

6. HOW MANY BUILDINGS ARE ON THE LOT? one

7. GIVE SIZE OF EXISTING BUILDINGS: 100'x33' +/-

PROPOSED BUILDINGS: Same

8. STATE PRESENT USE OF PREMISES: Vacant - former store, warehouse and apartment(s)

9. STATE PORPOSED USE OF PREMISES: six residential apartment units

10. GIVE EXTENT OF PROPOSED ALTERATIONS: Interior restructure to build 6 apartment units. Floor plans filed. No exterior dimensional change

11. HAS THERE BEEN A PREVIOUS APPEAL UNDER ZONING ON THESE PREMISES? Yes

IF SO WHEN? Variences granted 7/13
Special permit application 9/13

12. NUMBER OF FAMILIES FOR WHICH BUILDING IS TO BE ARRANGED: 6

NOTE: IF THE APPLICANT IS NOT THE OWNER, A STATEMENT MUST BE WRITTEN BY THE OWNER AUTHORIZING THE APPLICANT TO APPLY TO THE BOARD OF APPEALS

C.G. 9-12-14

Backup info

BUILDING INSPECTOR'S CHECK LIST FOR BOARD OF APPEALS ACTION NEEDED ON:

LOCATION 13 High Street and vacant lot across the street

ZONE CG

APPLICANT 13 High Street Realty Trust, Kerri Fronduto, Trustee

ACTION REQUIRED

DIMENSIONAL VARIANCE

LOT AREA

LOT FRONTAGE

LOT DEPTH

SIDE YARD

HEIGHT

FLOOR AREA RATIO

SIGN SIZE

USE VARIANCE

PARKING

SPECIAL PERMIT

FRONT YARD

REAR YARD

BUILDING COVERAGE

OPEN SPACE

OTHER Repetitive Petition Review

DATA TO BE INCLUDED ON APPLICATION:

3. PROVISION OF ZONING ORDINANCE UNDER WHICH PETITION FOR VARIANCE IS MADE:

IN MAKING ITS DECISION, THE BOARD SHALL SPECIFICALLY FIND THAT ALL OF THE FOLLOWING CONDITIONS HAVE BEEN MET. (FINDINGS MUST BE MADE ON ALL THREE TO HAVE A VALID DECISION.) (1) THAT THERE ARE UNIQUE CIRCUMSTANCES RELATIVE TO THE SOIL CONDITIONS, SOIL SHAPE, OR TOPOGRAPHY WHICH SPECIFICALLY AFFECT THE LAND OR STRUCTURE IN QUESTION, BUT NOT AFFECTING GENERALLY THE ZONING DISTRICT IN WHICH THE LAND OR STRUCTURE IS LOCATED; (2) THAT THE LITERAL ENFORCEMENT OF THE ORDINANCE WOULD INVOLVE SUBSTANTIAL HARDSHIP, FINANCIAL OR OTHERWISE; (3) THAT DESIRABLE RELIEF MAY BE GRANTED WITHOUT SUBSTANTIALLY DEROGATING FROM THE INTENT AND PURPOSE OF THE ZONING ORDINANCE OR BY LAW. (SEE ZONING ORDINANCE FOR ADDITIONAL REQUIREMENTS FOR GRANTING OF VARIANCE.)

3A. STATE REASON FOR VARIANCE: _____

4. PROVISION OF ZONING ORDINANCE UNDER WHICH APPLICATION FOR SPECIAL PERMIT IS MADE
255-(80)A and Table of Use and Parking Regulations

4A. REASON FOR SPECIAL PERMIT: Conversion of vacant building into six apartments, 4 two BR and 2 3BR

[Handwritten signature]

2.6 9-12-14

Backup Info

APPLICANT 13 High Street Realty Trust, Kerri Fronduto, Trustee

**PARTIES IN INTEREST
CERTIFICATION FORM**

I hereby certify to the Board of Appeals and/or City Council, that the below listed names and addresses constitutes a complete listing of the parties in interest, as taken from the most recent City of Haverhill Tax List respective to the property at 13 High Street

as shown on Assessor's Plat 515 295 3
(Plat) (Block) (Lot #)

Chapter 40A of the Massachusetts General Laws defines "parties in interest" as the petitioner, abutters, owners of land directly opposite on any public or private street or way, and abutters to the abutters within three hundred feet of the property line of the petitioner as they appear on the most recently applicable tax list, notwithstanding that the land of any such owner is located in another City or Town, the Planning Board of the city or town, and the Planning Board of every abutting city or town.

DATE _____ CITY ASSESSOR _____

	Name	Address
Owner:		
1.	_____	_____
2.	_____	_____
3.	_____	_____
4.	_____	_____
5.	_____	_____
6.	_____	_____
7.	_____	_____
8.	_____	_____
9.	_____	_____
10.	_____	_____
11.	_____	_____
12.	_____	_____
13.	_____	_____
14.	_____	_____
15.	_____	_____

William S. Faraci
Attorney at Law
211 South Main Street
Bradford, MA 01835-7373
Tel: (978) 373-5520
Fax (978) 373-5262
e-mail: faracilaw@aol.com

November 17, 2014

John Michitson, President
Haverhill City Council
4 Summer Street
Haverhill, MA 01830

Re: 12-13 High Street

By fax, e-mail and first class mail

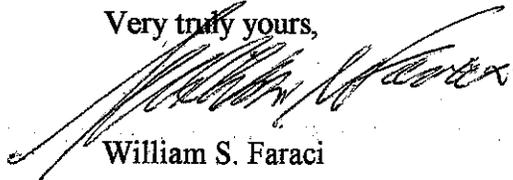
Dear President Michitson:

This letter is to request postponement of the hearing on the above-referenced petition until the meeting of December 9, 2014. It appears that your agenda for tomorrow night is lengthy and there would be a certain amount of time pressure both for my presentation and for the council.

On behalf of my clients, I hereby waive the 65 day hearing requirement.

Thank you and the council for your courtesy and co-operation in this matter as we try to resolve a proper plan for this property.

Very truly yours,

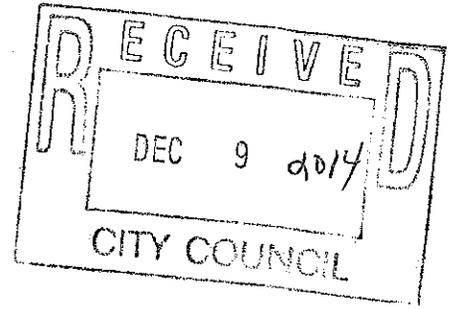


William S. Faraci

Cc:
City Clerk
City of Haverhill
4 Summer Street
Haverhill, MA 01830

Attn: Maria Bevilacqua

William S. Faraci
Attorney at Law
211 South Main Street
Bradford, MA 01835-7373
Tel. (978) 373-5520
Fax (978) 373-5262
e-mail:
faracilaw@aol.com



December 8, 2014

John Michitson, President
Haverhill City Council
4 Summer Street
Haverhill, MA 01830

Re: 12-13 High Street

By e-mail to the City Clerk

Dear President Michitson:

This letter is to request postponement of the hearing on the above-referenced petition until the meeting of December 16, 2014. It appears that two councilors will not be present for tomorrow night.

On behalf of my clients, I hereby waive the 65 day hearing requirement.

Thank you and the council for your courtesy and co-operation in this matter as we try to resolve a proper plan for this property.

Very truly yours,

A handwritten signature in black ink, appearing to read "William S. Faraci".

William S. Faraci

In Municipal Council: November 18 2014

COMMONWEALTH OF MASSACHUSETTS

ESSEX, SS.

CITY OF HAVERHILL

ORDER OF TAKING

At a regularly convened meeting of the CITY COUNCIL of the CITY OF HAVERHILL

held this 18th day of November, 2014, it was voted and ordered as follows:

The City Council of the CITY OF HAVERHILL, duly elected, qualified, and acting on behalf of the City, in accordance with the provisions of Massachusetts General Laws, Chapter 79, and the City's Charter, 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, temporary and permanent easements over, in, through, under and upon land commonly known and numbered 56-66 Merrimack Street, Haverhill, Essex County, Massachusetts and more particularly described in a deed dated May 22, 2007 from Marchand Holding Corporation to D.R. Locke LLC filed with the Land Court Division of the Essex South District Registry of Deeds noted as Document No. 479416 on Certificate of Title No. 80584, in the locations identified as the "Access & Utility Easement, A=2033 S.F.+/-" and "Piling Easement, A= 169 S.F.+/-" both of which are shown on a plan entitled: "Easement Plan Located In Haverhill, Mass. Prepared for the City of Haverhill", dated June 18, 2014, prepared by Christiansen & Sergi, Inc., a copy of which is attached hereto as EXHIBIT A and recorded herewith (hereinafter "the Plan"), as is set forth more fully herein. The land being subject to the temporary easement described herein below, the "Access & Utility Easement" and the "Piling Easement" is hereafter collectively defined as the "Easement Property".

- 1. Temporary easements are taken on and over the Easement Property depicted on the Plan for all purposes incidental to the construction of improvements on land adjacent to and

PASSED BY COUNCIL
Attest:

City Clerk

VETOED BY MAYOR

IN CITY COUNCIL: December 2 2014
POSTPONED TO DECEMBER 9 2014

Attest:

City Clerk

IN CITY COUNCIL: December 9 2014
POSTPONED TO DECEMBER 16 2014

Attest:

City Clerk

84-B
add

9.1.1
Vetoed BY
MAYOR

84-B
add

temporary easement described herein below, the "Access & Utility Easement" and the "Piling Easement" is hereafter collectively defined as the "Easement Property".

1. Temporary easements are taken on and over the Easement Property depicted on the Plan for all purposes incidental to the construction of improvements on land adjacent to and on the Easement Property, such purposes to include, without limitation, surveying, constructing, inspecting, and installing, and maintaining improvements, parking and driveway areas, utilities, a boardwalk area to be developed adjacent to Wall Street and upon such other land adjacent to and upon the Easement Property including, without limitation, the portions of the Easement Property subject to the permanent easements described below, and including entry upon the Easement Property with any and all materials by foot, vehicle, and any 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 Easement Property to accommodate all permanent improvements, as described below, subject to the permanent easements, to be located within such Easement Property and land which is adjacent thereto and upon the Easement Property, and all other acts incidental thereto. The temporary easement, described herein, shall expire in **five (5) years** from the date this Order is recorded, provided that the completed grades and slopes on the Easement Property and those improvements designated herein below subject to the permanent easements shall be maintained in perpetuity. Upon completion of the City's use of said temporary easement described herein, the City shall remove all vehicles, materials and equipment and restore the surface of the Easement Property to as close to the condition that existed immediately prior to such work as is practicable, excepting the completed grades and slopes on the Easement Property and those permanent improvements designated herein below pursuant to the permanent easements.

2. A permanent, perpetual and exclusive easement is taken through, under, over and across that portion of Easement Property depicted on the Plan as an "Access & Utility Easement" as shown on the Plan, for all purposes necessary and appurtenant for the construction, installation, maintenance, repair and replacement of utilities and related improvements, such purposes to include, without limitation, surveying, constructing, reconstructing, installing, inspecting, using, maintaining, repairing, replacing, removing or abandoning in place utilities and related improvements including, without limitation, underground sewer lines, underground drain lines and catch basins, and including entry by foot, vehicle, and all equipment to be used for all purposes stated herein and uses incidental thereto, and the right to allow public use of such easements.

3. A permanent, perpetual and exclusive easement is taken through, under, over and across that portion of the Easement Property depicted on the Plan as a "Piling Easement" for all purposes necessary and appurtenant for the construction, installation, maintenance, repair and replacement of a support/piling system to support an elevated boardwalk to be constructed on and between the support/piling system and a flood protection wall located adjacent to Wall Street and shown on the plan entitled "Proposed Highway Adjacent to Flood Protection Wall Lower County Bridge Westerly, Haverhill, Mass. Prepared by Harry W. Bailey, City Engineer dated May 1940 and recorded at Essex South Registry of Deeds in Plan Book 73, Page 32 and all related and ancillary improvements, such purposes to include, without limitation, surveying, constructing, reconstructing, installing, inspecting, using, maintaining, repairing, replacing, removing or abandoning in place the support/piling system and related improvements and including entry by foot, vehicle, and any equipment used for all purposes stated herein and uses incidental thereto, and the right to allow public use of such easements.

4. All of the easement rights taken hereunder shall burden and encompass that portion of the land situated seaward of the Low Water Lines, as depicted on the Plan, and landward of Wall Street to the extent of owner's interest in any portion of the land situated seaward of said Low Water Lines.

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 is owned or supposedly owned by the owner 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.

In accordance with the provision of General Laws, Chapter 79, Section 6, we hereby award to the owner, those damages sustained by such owner of its property by reason of the aforesaid takings, the amount of such award being set out herein in Schedule A, which is not recorded herewith, and which Order and acted on this day.

No betterments are to be assessed under this taking.

[Remainder of Page Left Intentionally Blank]

EXHIBIT A

Easement Plan

SCHEDULE A

DO NOT RECORD

Easement(s)	Property Address	Owner Name	Assessor Map/Lot No.	Title Ref.	Damages
"Access & Utility Easement"; "Piling Easement"; and Temporary Easement	56-66 Merrimack Street, Haverhill, Essex County, Massachusetts	D.R. Locke LLC, a Massachusetts limited liability company	100-1-13	Certificate of Title No. 80584; Document No. 479416	\$10,000.00

THE COMMONWEALTH OF MASSACHUSETTS

ESSEX, ss

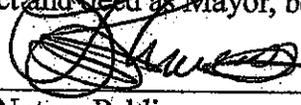
On this 18th day of November, 2014, then personally appeared the above-named members of the City Council for the City of Haverhill, as aforesaid, and proved to me through satisfactory evidence of identification, which were personally known, to be the person whose name is signed on the foregoing instrument in my presence, and further acknowledged the foregoing instrument as his/her free act and deed, and the free act and deed of the City of Haverhill, before me.


Notary Public
My Commission Expires:
June 19, 2019

THE COMMONWEALTH OF MASSACHUSETTS

ESSEX, ss

On this 18th day of November, 2014, then personally appeared the above-named James J. Fiorentini, Mayor of the City of Haverhill, as aforesaid, and proved to me through satisfactory evidence of identification, which were personally known, to be the person whose name he signed on the foregoing instrument in my presence, and further acknowledged the foregoing instrument as his free act and deed as Mayor, before me.


Notary Public
My Commission Expires:
June 19, 2019

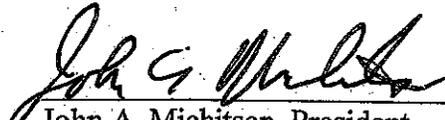
509804/HAVE/0001


True Attest Copy
Linda L. Koutoulas

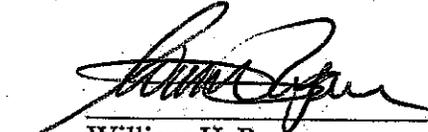
Attc
Linda L. Koutoulas

IN WITNESS WHEREOF, we, the duly elected and qualified City Council for the City of Haverhill have hereunto set our hands and seal this 18th day of November, 2014.

CITY OF HAVERHILL,
By its City Council



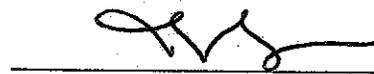
John A. Michitson, President



William H. Ryan



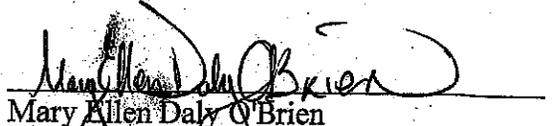
Robert Scatamacchia, Vice President



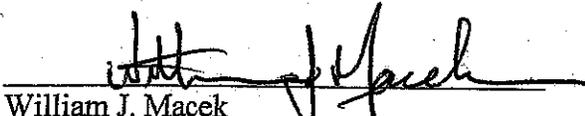
Thomas J. Sullivan



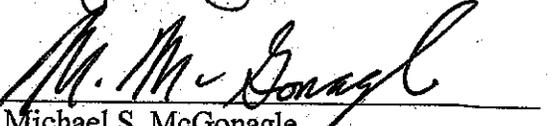
Melinda Barrett



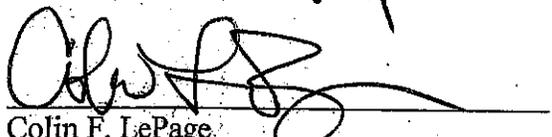
Mary Ellen Daly O'Brien



William J. Macek

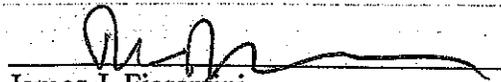


Michael S. McGonagle



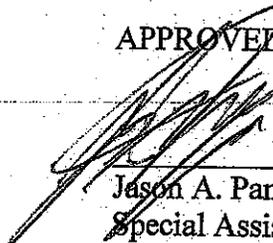
Colin F. LePage

APPROVED:

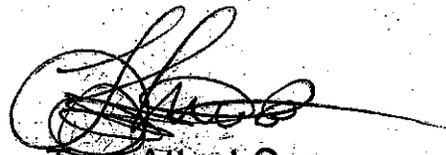


James J. Fiorentini,
Mayor

APPROVED AS TO FORM:



Jason A. Panos, Kopelman and Paige. PC.
Special Assistant City Solicitor



True Attest Copy
Linda L. Koutoulas



Haverhill

Economic Development and Planning
Phone: 978-374-2330 Fax: 978-374-2315
wpillsbury@cityofhaverhill.com

November 14, 2014

TO: City Council President John J. Michitson and members of the Haverhill City Council

FROM: William Pillsbury, Economic Development and Planning Director

RE: Taking of Easement—Merrimack Street

In order to facilitate the construction of the new access roadway into the Harbor Place project it is necessary to provide for action to the city council the attached order of taking. This involves a very small portion of land (2200 sq. ft.) to the rear of 56-66 Merrimack Street along the right of way of Wall Street. The easement we are taking is solely for access and utilities.

As required we have undertaken an appraisal and there is a related request for an appropriation of \$10,000 to pay for the value of the easement.

This action comes after extensive efforts to procure the access easement through negotiations but as we move aggressively forward to the beginning of Harbor Place is vital to have this easement in place at this time.

I respectfully request your approval of this matter.

JAMES J. FIORENTINI
MAYOR



**CITY OF HAVERHILL
MASSACHUSETTS**

CITY HALL, ROOM 100
FOUR SUMMER STREET
HAVERHILL, MA 01830
PHONE 978-374-2300
FAX 978-373-7544
MAYOR@CITYOFHAVERHILL.COM
WWW.CI.HAVERHILL.MA.US

November 26, 2014

City Council President John A. Michitson and
Members of the Haverhill City Council

RE:

Dear Mr. President and Members of the Haverhill City Council:

I have vetoed the order of taking and award of damages. This is a "friendly" veto due to some technical concerns raised by the City Solicitor. He is working on corrections of these documents and we will be back before you with those concerns when the matter next comes up on the council agenda. In the meantime, if you have any questions or concerns, please call the City Solicitor.

Very truly yours,

James J. Fiorentini , Mayor

JJF/ah

FOR REGISTRY USE ONLY

LEGEND
STREET ADDRESS
MAP-BLOCK/LOT
CITY OF HAVERHILL ASSESSOR

RECORD OWNERS

100-1 11

FREDERIC ROSE REVOCABLE TRUST &
BARBARA ROSE REVOCABLE TRUST
FREDERIC & BARBARA ROSE TRUSTEES
BOOK 4817 PAGE 7

100-1 14

VINTAGE TRUSTS, REALTY TRUST
KIMBERLEY COOK TRUSTEE

100-1 13

D.L. LOJCE LLC
CERTIFICATE #6984
ACCESS EASEMENT AREA-1090 S.F.±

100-1 11

MERRIMACK STREET OWNER LLC
BOOK 3272 PAGE 448

CERTIFY THAT THIS PLAN CONFORMS TO THE RULES AND REGULATIONS OF THE REGISTER OF DEEDS.

NOTES
THE INTENT OF THIS PLAN IS TO DESCRIBE TWO EASEMENTS.
AN ACCESS EASEMENT ACROSS # 85-86 MERRIMACK STREET, NORTH AND 30.2' NORTHERLY OF THE NORTH SUBLINE OF WALL STREET TO # 85-70 MERRIMACK STREET ON THE WEST AND # 400-1 MERRIMACK STREET ON THE EAST.
SECOND PILING EASEMENT PARALLEL WITH AND 2.5' NORTHERLY OF THE NORTH SUBLINE OF WALL STREET. THE EASEMENT IS CONTIGUOUS TO # 85-70 MERRIMACK STREET ON THE WEST AND # 42-24 MERRIMACK STREET ON THE EAST.
THE LOW WATER LINE WAS TAKEN FROM A PLAN RECORDED AT THE SOUTH ESSEX REGISTRY OF DEEDS AS PLAN 88 OF 1942. SAND PLAN ACCOMPANIED A PETITION TO FILL ASSOCIATED WITH LICENSE 2348-A.
THE LOW WATER LINE WAS TAKEN FROM A PLAN RECORDED AT THE SOUTH ESSEX REGISTRY OF DEEDS AS PLAN 88 OF 1942. SAND PLAN ACCOMPANIED A PETITION TO FILL ASSOCIATED WITH LICENSE 2348-A.
THE LOW WATER LINE WAS TAKEN FROM A PLAN RECORDED AT THE SOUTH ESSEX REGISTRY OF DEEDS AS PLAN 88 OF 1942. SAND PLAN ACCOMPANIED A PETITION TO FILL ASSOCIATED WITH LICENSE 2348-A.

DATE

EASEMENT PLAN
LOCATED IN
HAVERHILL, MASS.
PREPARED FOR
THE CITY OF HAVERHILL

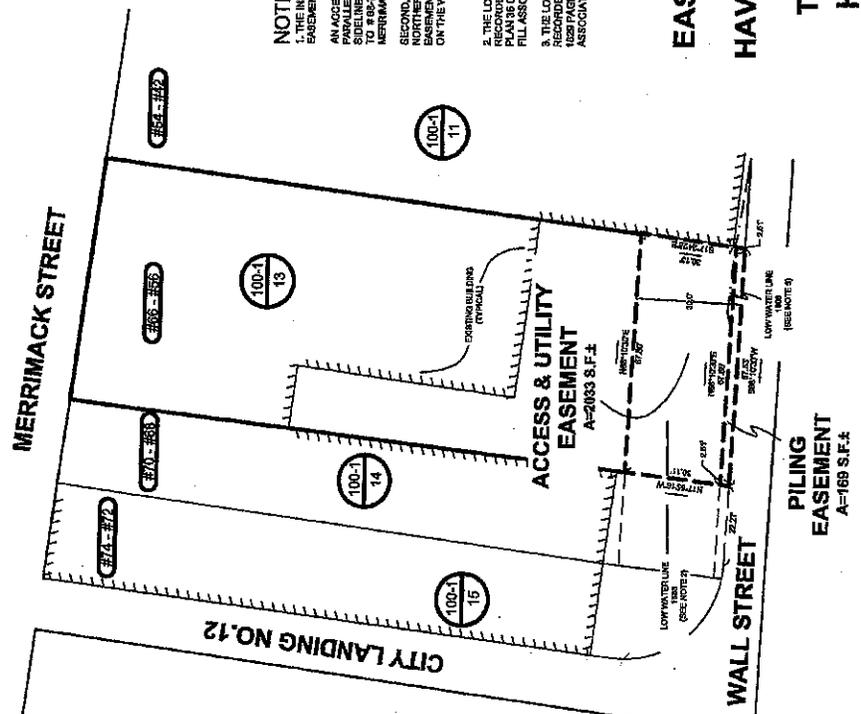


DATE: JUNE 18, 2014 SCALE: 1"=20'

PROFESSIONAL ENGINEERS & LAND SURVEYORS
CHRISTIANSEN & SERGI, INC.
100 SUMNER STREET, HAVERHILL, MASSACHUSETTS 01830
WWW.CSPEINCOR.COM TEL: 978-375-4310 FAX: 978-372-3800



DWG. NO.: 10067.009.018C



CERTIFY THAT THE PROPERTY LINES SHOWN ARE THE LINES OF THE EXISTING OWNERSHIPS, AND THE LINES OF STREETS AND WATERWAYS SHOWN ARE THE LINES OF PRIVATE STREETS OR WAYS ALREADY ESTABLISHED, AND THE LINES FOR DIVISION OF EXISTING OWNERSHIPS OR FOR NEW WAYS ARE SHOWN.

CHAPTER 41 SECTION 61K

MICHAEL J. SERGI, P.E.
DATE

THE CERTIFICATION SHOWN ABOVE IS INTENDED TO MEET THE REQUIREMENTS OF MASSACHUSETTS REGISTRATION TO TITLE OR OWNERSHIP OF PROPERTY. SIGNATURES OF ADJOINING PROPERTIES ARE ACCORDING TO ASSESSORS RECORDS.

B:11

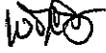
**CITY OF HAVERHILL
MASSACHUSETTS
CITY SOLICITOR'S OFFICE**

145 South Main Street
Bradford, MA 01835
(978) 373-2360
FAX: 978/372-0688
EMAIL: billcoxlaw@aol.com

**WILLIAM D. COX, JR.
CITY SOLICITOR**

December 11, 2014

TO: John A. Michitson, President, and Members of the Haverhill City Council

FROM: William D. Cox, Jr., Esq. 
City Solicitor

RE: **Order of Taking/Award of Damages - 56-66 Merrimack Street**

As the Council is aware, I had several concerns with the Order of Taking and Award of Damages which was put forward on the above property at your November 18, 2014. Attached you will find a revised Order of Taking. Because of these concerns the Mayor vetoed the approved measures and returned them to the Council for further action.

I would recommend that the Council amend the Order of Taking by substituting the attached Order of Taking for the previously approved Order. I have also attached a copy of the appraisal which was performed by Patriot Properties, Inc. It is this appraisal which forms the basis for the Award of Damages. Now that the Council has all of the requisite information on the value of the taking, I would recommend that the Council vote to override the Mayor's veto of the Award of Damages.

Because we need to have these documents acted on and the Order of Taking recorded prior to January 5, 2015, I would request that you contact me at your earliest convenience with any questions or concerns you may have. Thank you.

cc: James J. Fiorentini, Mayor

RECEIVED

2014 DEC 12 AM 9 26

* Bill
COX

1



patriot
PROPERTIES, INC.

CITY CLERKS OFFICE
HAVERHILL, MA.

APPRAISAL REPORT OF:

**Proposed Access, Utility and Piling Easement
Located at 56-66 Merrimack Street
Haverhill, MA 01830**

PREPARED FOR:

**City of Haverhill c/o
Jason A. Panos
Kopelman and Paige, P. C.
101 Arch Street
Boston, MA 02110-1109**

PREPARED BY:

**Charles R. Haven, MAI, SRA
Patriot Properties, Inc.
123 Pleasant Street
Marblehead, MA 01930**

87-B1

* Billcom

new

9.1.1.1

COMMONWEALTH OF MASSACHUSETTS

ESSEX, SS.

CITY OF HAVERHILL

ORDER OF TAKING

At a regularly convened meeting of the CITY COUNCIL of the CITY OF HAVERHILL held this 16th day of December, 2014, it was voted and ordered as follows:

The City Council of the CITY OF HAVERHILL, duly elected, qualified, and acting on behalf of the City, in accordance with the provisions of Massachusetts General Laws, Chapter 79, and the City's Charter, 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, temporary and permanent easements over, in, through, under and upon land commonly known and numbered 56-66 Merrimack Street, Haverhill, Essex County, Massachusetts (the "Property") and more particularly described in a deed dated May 22, 2007 from Marchand Holding Corporation to D.R. Locke LLC, being the owner of such property, and which deed is filed with the Land Court Division of the Essex South District Registry of Deeds noted as Document No. 479416 on Certificate of Title No. 80584, and which parcel is also shown on Land Court plan numbered 8616-A, drawn by John T. Desmond, Surveyor, dated December 14, 1921, as modified and approved by the Court, filed in the Land Registration Office, a copy of a portion of which is filed with original Certificate of Title 3992 in said Registry and which temporary and permanent easements taken are shown in the locations identified as the "Access & Utility Easement, A=2033 S.F.+/-" and "Piling Easement, A= 169 S.F.+/-" both of which are shown on a plan

entitled: "Easement Plan Located In Haverhill, Mass. Prepared for the City of Haverhill", dated June 18, 2014, prepared by Christiansen & Sergi, Inc., a copy of which is attached hereto as **EXHIBIT A** and recorded herewith (hereinafter "the Plan"), as is set forth more fully herein. The "Access & Utility Easement" and the "Piling Easement" is hereafter collectively defined as the "Easement Property".

1. Temporary easements are taken on and over the Easement Property depicted on the Plan for all purposes incidental to the construction of improvements on land adjacent to and on the Easement Property, such purposes to include, without limitation, surveying, constructing, inspecting, and installing, and maintaining improvements, parking and driveway areas, utilities, a boardwalk area to be developed adjacent to Wall Street and upon such other land adjacent to and upon the Easement Property including, without limitation, the portions of the Easement Property subject to the permanent easements described below, and including entry upon the Easement Property with any and all materials by foot, vehicle, and any 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 Easement Property to accommodate all permanent improvements, as described below, subject to the permanent easements, to be located within such Easement Property and land which is adjacent thereto and upon the Easement Property, and all other acts incidental thereto. The temporary easement, described herein, shall expire in **five (5) years** from the date this Order is recorded, provided that the completed grades and slopes on the Easement Property and those improvements designated herein below subject to the permanent easements shall be maintained in perpetuity. Upon completion of the City's use of said temporary easement described herein, the City shall remove all vehicles, materials and equipment and restore the surface of the Easement Property to as close to the condition that

existed immediately prior to such work as is practicable, excepting the completed grades and slopes on the Easement Property and those permanent improvements designated herein below pursuant to the permanent easements. Notwithstanding the foregoing, the aforesaid temporary easements shall not, in any way, be construed to limit the permanent rights taken hereunder within the Property for the construction, installation, maintenance, repair and replacement of improvements made consistent with such permanent rights.

2. A permanent, and non-exclusive access easement is taken through, under, over and across that portion of the Easement Property depicted on the Plan as an "Access & Utility Easement" for all purposes for which public ways are commonly used in the City of Haverhill (the "Access Easement"). Use of the Access Easement shall be continuous and unobstructed. The owner of the Property shall not change the layout or configuration of or otherwise relocate the Access Easement.

3. A permanent, and exclusive utility easement is taken through, under, over and across that portion of Easement Property depicted on the Plan as an "Access & Utility Easement" as shown on the Plan, for all purposes necessary and appurtenant for the construction, installation, maintenance, repair and replacement of utilities and related improvements, such purposes to include, without limitation, surveying, constructing, reconstructing, installing, inspecting, using, maintaining, repairing, replacing, removing or abandoning in place utilities and related improvements including, without limitation, underground sewer lines, underground drain lines and catch basins, and including entry by foot, vehicle, and all equipment to be used for all purposes stated herein and uses incidental thereto.

4. A permanent, and exclusive easement is taken through, under, over and across that portion of the Easement Property depicted on the Plan as a "Piling Easement" for all

purposes necessary and appurtenant for the construction, installation, maintenance, repair and replacement of a support/piling system to support an elevated boardwalk to be constructed on and between the support/piling system and a flood protection wall located adjacent to Wall Street and shown on the plan entitled "Proposed Highway Adjacent to Flood Protection Wall Lower County Bridge Westerly, Haverhill, Mass. Prepared by Harry W. Bailey, City Engineer dated May 1940 and recorded at Essex South Registry of Deeds in Plan Book 73, Page 32 and all related and ancillary improvements, such purposes to include, without limitation, surveying, constructing, reconstructing, installing, inspecting, using, maintaining, repairing, replacing, removing or abandoning in place the support/piling system and related improvements and including entry by foot, vehicle, and any equipment used for all purposes stated herein and uses incidental thereto, and the right to allow public use of such easements.

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 is owned or supposedly owned by the owner 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.

In accordance with the provision of General Laws, Chapter 79, Section 6, we hereby award to the owner, those damages sustained by such owner of its property by reason of the

aforesaid takings, the amount of such award being set out herein in Schedule A, which is not recorded herewith, and which Order and acted on this day.

No betterments are to be assessed under this taking.

[signature page follows]

IN WITNESS WHEREOF, we, the duly elected and qualified City Council for the City of Haverhill have hereunto set our hands and seal this 16th day of December, 2014.

CITY OF HAVERHILL,
By its City Council

John A. Michitson, President

William H. Ryan

Robert Scatamacchia, Vice President

Thomas J. Sullivan

Melinda Barrett

Mary Ellen Daly O'Brien

William J. Macek

Michael S. McGonagle

Colin F. LePage

APPROVED:

APPROVED AS TO FORM:

James J. Fiorentini,
Mayor

William D. Cox, Jr., City Solicitor

THE COMMONWEALTH OF MASSACHUSETTS

ESSEX, ss

On this ____ day of December, 2014, then personally appeared the above-named members of the City Council for the City of Haverhill, as aforesaid, and proved to me through satisfactory evidence of identification, which was personal knowledge, to be the persons whose names are signed on the foregoing instrument in my presence, and further acknowledged the foregoing instrument as their free act and deed, and the free act and deed of the City of Haverhill, before me.

Notary Public
My Commission Expires:

THE COMMONWEALTH OF MASSACHUSETTS

ESSEX, ss

On this ____ day of December, 2014, then personally appeared the above-named James J. Fiorentini, Mayor of the City of Haverhill, as aforesaid, and proved to me through satisfactory evidence of identification, which was personal knowledge, to be the person whose name he signed on the foregoing instrument in my presence, and further acknowledged the foregoing instrument as his free act and deed as Mayor, before me.

Notary Public
My Commission Expires:

EXHIBIT A

Easement Plan

(See attached)

FOR REGISTRY USE ONLY

I CERTIFY THAT THIS PLAN CONFORMS TO THE RULES AND REGULATIONS OF THE REGISTER OF DEEDS.

NOTES

DATE _____

1. THE INTENT OF THIS PLAN IS TO DESCRIBE TWO EASEMENTS.

AN ACCESS EASEMENT ACROSS #56-66 MERRIMACK STREET, PARALLEL WITH AND 30.0' NORTHERLY OF THE NORTH SIDELINE OF WALL STREET. THE EASEMENT IS CONTIGUOUS TO #69-70 MERRIMACK STREET ON THE WEST AND #42-54 MERRIMACK STREET ON THE EAST.

SECOND A PILING EASEMENT PARALLEL WITH AND 2.5' NORTHERLY OF THE NORTH SIDELINE OF WALL STREET. THE EASEMENT IS CONTIGUOUS TO #69 MERRIMACK STREET ON THE WEST AND #42-54 MERRIMACK STREET ON THE EAST.

2. THE LOW WATER LINE WAS TAKEN FROM A PLAN RECORDED AT THE SOUTH ESSEX REGISTRY OF DEEDS AS PLANS OF 1962. SAID PLAN ACCOMPANIED A PETITION TO FILL ASSOCIATED WITH LICENSE 2948-A.

3. THE LOW WATER LINE WAS TAKEN FROM A PLAN RECORDED AT THE SOUTH ESSEX REGISTRY OF DEEDS BOOK 1828 PAGE 273. SAID PLAN ACCOMPANIED A PETITION TO FILL ASSOCIATED WITH LICENSE 3794.

**EASEMENT PLAN
LOCATED IN
HAVERHILL, MASS.**

PREPARED FOR

**THE CITY OF
HAVERHILL**



DATE: JUNE 18, 2014 SCALE: 1"=20'



PROFESSIONAL ENGINEERS & LAND SURVEYORS
CHRISTIANSEN & SERGI, INC.
100 SUMNER STREET, HAVERHILL, MASSACHUSETTS 01830
WWW.CSI-ENG.COM TEL: 978-373-0310 FAX: 978-373-3880

DWG. NO. 10087.008.018C

MERRIMACK STREET

CITY LANDING NO. 12

WALL STREET

- #54 - #42
- #66 - #56
- #70 - #68
- #74 - #72



**ACCESS & UTILITY
EASEMENT
A=2033 S.F.±**

**PILING
EASEMENT
A=169 S.F.±**

EXISTING BUILDING (TYPICAL)

LOW WATER LINE (SEE NOTE 2)

LOW WATER LINE (SEE NOTE 2)

LEGEND

STREET ADDRESS

MAP-BLOCK LOT
CITY OF HAVERHILL ASSESSOR



RECORD OWNERS



FREDERIC ROSE REVOCABLE TRUST &
BARBARA ROSE REVOCABLE TRUST
FREDERIC & BARBARA ROSE TRUSTEES
BOOK 24347 PAGE 7



VINTAGE TREASURES REALTY TRUST
KIMBERLEY COOK TRUSTEE



D.R. LOCKE LLC
CERTIFICATE 00684
ACCESS EASEMENT AREA=1890 S.F.±



MERRIMACK STREET OWNER LLC
BOOK 32727 PAGE 449

I CERTIFY THAT THE PROPERTY LINES SHOWN ARE THE LINES DIVIDING EXISTING AND THE LINES OF STREETS AND WAYS SHOWN ARE THOSE OF RECORD FROM THE RECORDS OF THE CITY OF HAVERHILL. THE LINES SHOWN ARE FOR DIVISION OF EXISTING OWNERSHIPS OR FOR NEW WAYS ARE SHOWN.

CHAPTER 41 SECTION 81X

MICHAEL J. SERGI P.L.S.

DATE

THE CERTIFICATION SHOWN ABOVE IS INTENDED TO MEET REGISTRATION REQUIREMENTS AND IS NOT A CERTIFICATION TO TITLE OR OWNERSHIP OF PROPERTY. THE LINES SHOWN OF ADJOINING PROPERTIES ARE ACCORDING TO ASSESSORS RECORDS.

SCHEDULE A

DO NOT RECORD

Easement(s)	Property Address	Owner Name	Assessor Map/Lot No.	Title Ref.	Damages
"Access & Utility Easement"; "Piling Easement"; and Temporary Easement	56-66 Merrimack Street, Haverhill, Essex County, Massachusetts	D.R. Locke LLC, a Massachusetts limited liability company	100-1-13	Certificate of Title No. 80584; Document No. 479416	\$10,000.00

04-05



DOCUMENT 84-BB

CITY OF HAVERHILL

In-Municipal Council November 18 2014

9.1.2
Vetoed
BY
MAYOR

ORDERED:

Award of Damages

DOCUMENT # 84-BB

ORDERED: That the City Council of the City of Haverhill hereby:

Take such action as is necessary to acquire, by eminent domain, permanent and temporary easements for access, installation and construction of utilities, pilings and other improvements in, on and under certain portions of the parcel of land known and numbered 56-66 Merrimack Street, Haverhill, Essex County, Massachusetts and more particularly described in a deed filed with the Land Court Division of the Essex South District Registry of Deeds, Document No. 479416 on Certificate of Title No. 80584, which parcel is also shown on Land Court plan numbered 8616-A, and which portions are shown as the "Access & Utility Easement, A=2033 S.F.+/-" and "Piling Easement, A= 169 S.F.+/-" on a plan entitled: "Easement Plan Located In Haverhill, Mass. Prepared for the City of Haverhill", dated June 18, 2014, prepared by Christiansen & Sergi, Inc., and to accomplish the foregoing, execute the Order of Taking presented to us this day by counsel, and further award \$10,000 as damages for such taking to the owner of the land affected by said taking.

In the City Council: November 18, 2014

Passed Yeas 9, Nays 0

Attest:

City Clerk

veto
Approved: November 18, 2014

Mayor

veto

True Attest Copy
Linda L. Koutoulas

VETOED BY MAYOR

IN CITY COUNCIL: December 2 2014

POSTPONED TO DECEMBER 9 2014

Attest:

City Clerk

IN CITY COUNCIL: December 9 2014

POSTPONED TO DECEMBER 16 2014

Attest:

City Clerk

129-D
CITY COUNCIL

JOHN A. MICHITSON
PRESIDENT
ROBERT H. SCATAMACCHIA
VICE PRESIDENT
MELINDA E. BARRETT
WILLIAM J. MACEK
WILLIAM H. RYAN
THOMAS J. SULLIVAN
MARY ELLEN DALY O'BRIEN
MICHAEL S. MCGONAGLE
COLIN F. LEPAGE



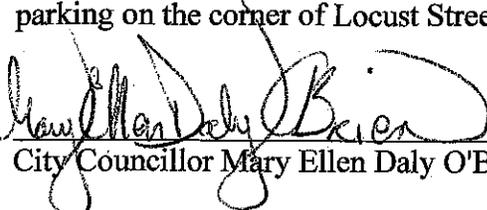
9.11.13
L, ROOM 204
SUMMER STREET
HAVERHILL, MA 01830
TEL: 978 374-2328
FAX: 978 374-2329
www.haverhill.ma.us
haverhill.com

CITY OF HAVERHILL
HAVERHILL, MASSACHUSETTS 01830-5843

December 2, 2014

TO: Mr. President and Members of the City Council:

Councillor Mary Ellen Daly O'Brien would like to request a discussion about on street parking on the corner of Locust Street and Essex Street.


City Councillor Mary Ellen Daly O'Brien

IN CITY COUNCIL: December 9 2014
POSTPONED TO DECEMBER 16 2014
Attest:

City Clerk

CITY COUNCIL

JOHN A. MICHITSON
PRESIDENT
ROBERT H. SCATAMACCHIA
VICE PRESIDENT
MELINDA E. BARRETT
WILLIAM J. MACEK
WILLIAM H. RYAN
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4 SUMMER STREET
TELEPHONE: 978 374-2328
8 374-2329
erhill.ma.us
averhill.com

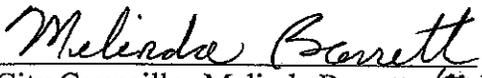
CITY OF HAVERHILL
HAVERHILL, MASSACHUSETTS 01830-5843

11.2.1

December 11, 2014

TO: Mr. President and Members of the City Council:

Councillor Melinda Barrett requests a discussion about notification to MVRTA and elderly housing complexes when streets are closed due to City events.


City Councillor Melinda Barrett

CITY COUNCIL

JOHN A. MICHITSON
PRESIDENT
ROBERT H. SCATAMACCHIA
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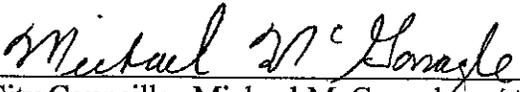
CITY OF HAVERHILL
HAVERHILL, MASSACHUSETTS 01830-5843

11.2.2

December 11, 2014

TO: Mr. President and Members of the City Council:

Councillor Michael McGonagle requests a discussion about asking the Mayor to lift the hiring freeze for the Haverhill Police Department.


City Councillor Michael McGonagle

CITY COUNCIL

JOHN A. MICHITSON
PRESIDENT
ROBERT H. SCATAMACCHIA
VICE PRESIDENT
MELINDA E. BARRETT
WILLIAM J. MACEK
WILLIAM H. RYAN
THOMAS J. SULLIVAN
MARY ELLEN DALY O'BRIEN
MICHAEL S. MCGONAGLE
COLIN F. LEPAGE



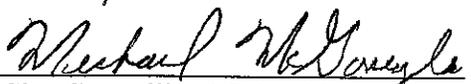
CITY HALL, ROOM 204
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TELEPHONE: 978 374-2328
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citycncl@cityofhaverhill.com

CITY OF HAVERHILL
HAVERHILL, MASSACHUSETTS 01830-5843

December 12, 2014

TO: Mr. President and Members of the City Council:

Councillor Michael McGonagle would like to submit the recommendations of the Traffic & Safety Committee held on December 9, 2014, reporting on items 1, 2, 3, 5, 6, 7, 9, which were brought to the Traffic & Safety Committee at the request of the City Council.


City Councillor Michael McGonagle



**HAVERHILL
POLICE DEPARTMENT**

Alan R. DeNaro
Chief of Police

40 Bailey Blvd.
Haverhill, Massachusetts 01830

TEL. (978) 722-1502
FAX. (978) 373-3981

December 10, 2014

Council President John Michitson
Members of the Haverhill City Council
4 Summer Street – Room 204
Haverhill, MA 01830

Re: Traffic & Safety Committee Meeting – December 9, 2014

Dear President Michitson & Councilors:

The Traffic and Safety Committee held a meeting on Tuesday, December 9, 2014. During the meeting it was determined that the following recommendations would be made to the City Council for consideration.

- * 1. Discussion regarding recent problems with one-way signage on Margerie Street. The Traffic & Safety Committee recommends creating an ordinance to make Margerie Street to a 2-way street. The Police Department will also monitor the area to make sure there are no issues once put back to 2-way.
- * 2. Discussion regarding a 25 MPH sign posted on Kingsbury Avenue. The Traffic & Safety Committee recommends the ordinance be changed to 35 MPH except for the last 1/10 mile heading into town to be 25 MPH.
- * 3. Discussion regarding the intersection of Granite Street and Locust Street. The Traffic & Safety Committee recommends Council create an ordinance to the eliminate a parking space on the North side of Locust Street as you approach Essex Street (in front of Maria's restaurant) and the first spot on Essex Street to the right of Locust Street (in front of Maria's Restaurant). This will increase visibility and safety in the area.
4. Discussion regarding a crosswalk or signage installed on Groveland Street at the corner of Brickett. The Traffic & Safety Committee noted that there are 2 existing crosswalks in close proximity; therefore the recommendation is for no action at this time.
- * 5. Discussion regarding speed control signage on Broadway. The Traffic & Safety Committee recommends the city consider buying two (2) of the speed control signs for a cost of \$4,800.00 each.
- * 6. Discussion regarding a handicap parking space at 200 Merrimack Street. The Traffic & Safety Committee was made aware this sign was already erected therefore no action is required.
- * 7. Discussion regarding a stop sign at the corner of Doane Street and Route 125, South Main Street. The Traffic & Safety Committee will send a copy of the minutes requesting Mike Stankovich to put up this stop sign.

8. Discussion regarding speeding cars on Chadwick Road. The Traffic & Safety Committee recommends the City put in a sidewalk on Chadwick Road from 353 Chadwick Road to 403 Chadwick Road if funds are available.
- * 9. Discussion regarding the loading zone in the area of 70 Washington Street. The Traffic & Safety Committee noted that this is a well needed loading zone. They recommend better designation of this loading zone with signage and yellow lines. Highway Department was notified and will be addressed shortly.
10. Discussion regarding the right lane heading north on So. Main Street at the intersection of Salem Street. It is recommended this lane be designated as a right turn only lane. It was also recommended that the right lane heading west on Salem Street at the intersection of So. Main Street be designated as a right turn only lane. City ordinances must be created for this.

Sincerely,



Alan R. DeNaro
Chief of Police

CITY COUNCIL

JOHN A. MICHITSON
PRESIDENT
ROBERT H. SCATAMACCHIA
VICE PRESIDENT
MELINDA E. BARRETT
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CITY OF HAVERHILL
HAVERHILL, MASSACHUSETTS 01830-5843

DOCUMENTS REFERRED TO COMMITTEE STUDY

4	Communication from Councillor Macek requesting a discussion regarding the proposed Monument Square traffic divider/island.	Planning & Dev.	1/3/12
57-Z	Communication from Councillor Sullivan requesting to discuss parking ordinances on Hillside Place and Hillside Street. (Public parking lot, Map 516, Bl. 303, Lot 4A, referred to NRPP)	NRPP	10/8/13
102	Communication from Councillor Macek requesting to discuss the Taxicab and Buses Ordinance	Administration & Finance	10/15/13
102-H	Communication from Councillor Macek requesting to propose the establishment of an Adult and Senior Fitness Park	NRPP	10/29/13
	Central Business District Parking Map and Ordinances	Administration & Finance	1/28/14
84 & 84A/13	Ordinance re: Zoning, Amend City Code, Ch. 255, Table of Use & Parking Regulations Page 8; to allow Medical Marijuana Dispensary/Treatment centers to be located only in our business parks	Transferred to Administration & Finance	2/11/14
56	Home Rule Petition – An Act Authorizing that the Position of Deputy Chief in the City of Haverhill be removed from Civil Service	Public Safety	5/20/14
125	Petition from Brian S. Minkle requesting to purchase City land abutting his property on Crystal Lake Rd., Assessor's Map 566, Block 2, Lot 11, said house is at 35 Mendum Rd/ 86 Crystal Lake Rd, Assessor's Map 566, Block 2, Lot 7A	NRPP	12/2/14
	On motion of Councillor McGonagle to refer Ordinance: Chapter 191 – Peddling/Soliciting to Administration & Finance	Administration & Finance	12/9/14



123 Pleasant Street, Marblehead, MA 01945

Phone 800-527-9991/Fax 781-586-9667

E-Mail Chaven2671@comcast.net

November 18, 2014

City of Haverhill c/o
Jason A. Panos, Esquire
Kopelman & Paige, P.C.
101 Arch Street
Boston, MA 02110-1109

RE: Proposed access, utility and piling easement located on 56-66 Merrimack Street,
Haverhill, MA

Dear Mr. Panos:

At your request I have estimated the loss in value to the above Property that will result from the proposed temporary and permanent easements as detailed in an Easement Plan dated June 18, 2014. The effective date of valuation is the date a view of the site was made on November 7, 2014. The purpose and intended use of the appraisal was to form an opinion of loss in value to the subject as a result of the proposed easements.

Subject Property

56-66 Merrimack Street is a ±12,846 square foot site improved with a three-story and basement office building constructed in the early 1900s. The improvement has a gross building area of 26,688 square feet. Based on a review of public records and an exterior view, the Property appeared to be fully occupied and in overall average condition.

Proposed Easements

The proposed temporary and permanent easements are detailed in an Easement Plan included in this report identified as Exhibit B.1. The proposed permanent access and utility easement consists of approximately 2,033 square feet and is situated in the rear section of the site. This area of the Property is utilized for parking. The permanent piling easement consists of approximately 169 square feet located along the rear boundary of the Property. The proposed permanent easement area consisting of a total of approximately 2,202 square feet also comprises the entire temporary easement area to be subject to a five-year temporary easement for construction and access purposes.

Valuation

This appraisal assignment was performed in conformity with and subject to the Uniform Standards of Professional Appraisal Practice of the Appraisal Foundation. The following report sets forth all the assumptions, limiting conditions, and definitions relevant to the easement valuation. The opinions of value expressed are subject to the assumptions, limiting conditions and definitions noted in the appraisal report.

Based upon my analysis and subject to the assumptions and limiting conditions set forth in the accompanying appraisal report, it is my opinion that damages (loss in value) due to the proposed permanent access and, utility easement, the piling easement and the temporary construction and access easement is \$10,000.

Thank you for the opportunity to serve you. Should you have any questions regarding this appraisal assignment, please call.

Respectfully submitted,

Patriot Properties, Inc.



Charles R. Haven, MAI, SRA
MA Certified General #1252 – Expires March 23, 2016

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SECTION A: INTRODUCTION

A.1 SPECIAL ASSUMPTIONS

My estimate of a loss in value due to the proposed temporary easement assumed that it would in place for up to five years. Assuming a substantially shorter period, than the overall loss in value for the permanent and temporary easements would be lower.

A.2 INTEREST APPRAISED

The valuation was based on a fee simple ownership by the property owner, D. R. Locke, LLC, which is a title that signifies ownership of all the rights in a parcel of real property, subject only to the limitations of the "four powers of government" (escheat, taxation, eminent domain, and police power).

A.3 PURPOSE AND FUNCTION OF APPRAISAL

The purpose of this appraisal assignment was to estimate any damages/losses in value due to three proposed easements; one temporary and two permanent easements. The proposed easements are detailed in a plan included in Exhibit B-1. The effective date of value is the date a view of the proposed area was made on November 7, 2014. At that time, an exterior view of the Property identified as 56 – 66 Merrimack Street was also made. The intended user of this appraisal report is the client identified as City of Haverhill to assist it in determining a loss of value to the property owner for its eminent domain taking of the aforementioned temporary and permanent easements affecting the real property at 56-66 Merrimack Street, Haverhill, MA (the "Property").

A.4 HISTORY AND CURRENT STATUS OF PROPERTY

As of the effective date of value, the owner of record, according to the indices maintained at the Essex South District Registry of Deeds, for the subject Property identified as 56-66 Merrimack Street, Haverhill, MA is D. R. Locke, LLC. The last transfer of ownership was recorded in May 2007 for consideration paid of \$3,100,000. A copy of this deed is included in the Addenda in Section D.1.

As of the effective date of value, the subject Property appeared to be fully occupied. To the best of my knowledge, the subject Property was not listed for sale and there were no pending offers to purchase the Property.

A.5 APPRAISAL PROCEDURES AND EXTENT OF DATA COLLECTION

The Uniform Standards of Professional Appraisal Practice stipulates that an appraisal report describe sufficient information to disclose to the client and any intended users of the appraisal the scope of work used to develop the appraisal. Further the report should describe the information analyzed, the appraisal procedures followed, and the reasoning that supports the analyses, opinions, and conclusions. This report is intended to comply with the reporting requirements set forth under the Uniform Standards of the Appraisal Practice as well as the Standards of Professional Practice and the Code of Ethics of the Appraisal Institute.

Scope of This Assignment

I have completed the following steps for this assignment:

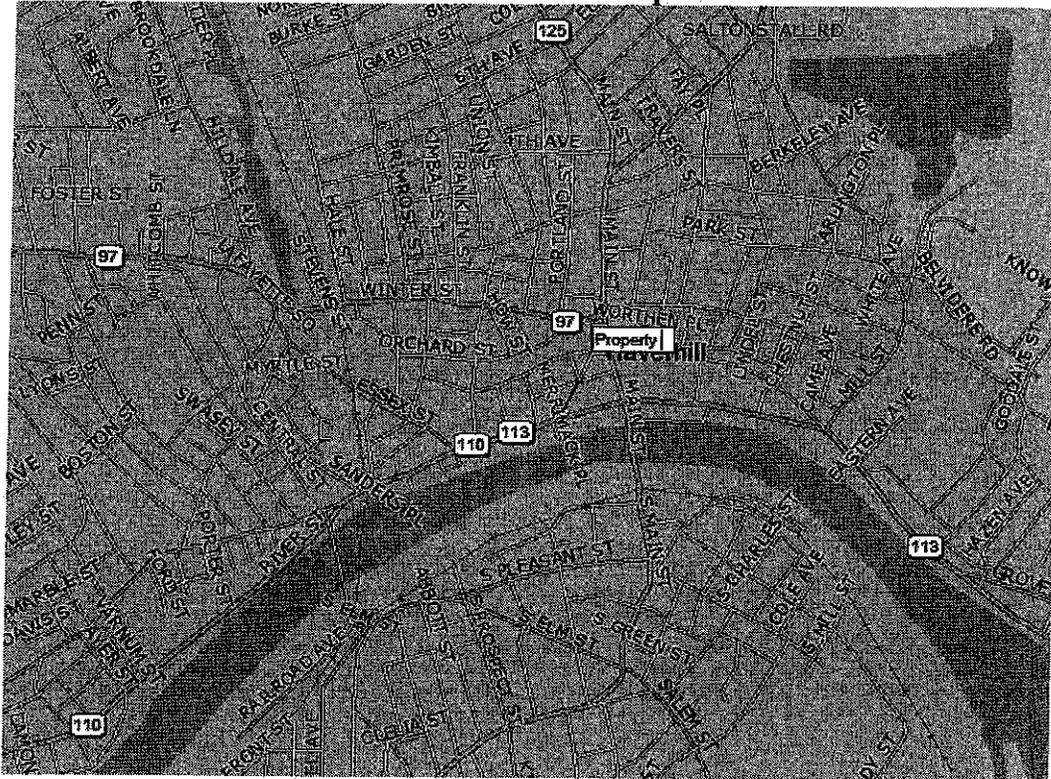
- An inspection of the subject site was made to determine physical characteristics that would affect the overall utility of the lot.
- A search of public records relative to the subject site including zoning was performed
- Review of the "Easement Plan located in Haverhill, Mass. Prepared for the City of Haverhill" dated June 18, 2014 (the "Easement Plan") and draft Order of Taking provided by the client detailing, in Section 1, the nature and purpose of the proposed temporary and permanent easements.
- Analysis of the Easements Plan and the draft "Order of Taking" to be presented to the Haverhill City Council to determine what affect, if any the proposed temporary and permanent easements would have on the overall marketability of the subject Property.
- Use of various sources in development of valuation methods to determine a loss in the value to the Property caused by the proposed temporary and permanent easements. These sources included –
 - Real Estate Property Rights by Michael Wolff published in the January/February issue of International Right-of-Way Association.
 - The Trouble with Easements by David Lewis published by the American Society of Appraisers (ASA). The article is dated November 28, 2006.
 - Appraising Easements guidelines published by Land Trust Alliance.

SECTION B: DESCRIPTIVE DATA

B.1 AREA DESCRIPTION

The Property is located in the downtown area of Haverhill, Massachusetts. Haverhill is situated in northeastern Massachusetts approximately 31 miles north of Boston. Haverhill is bordered by Methuen on the west, Groveland and Boxford on the south, West Newbury on the east, Merrimac on the northeast, and the state of New Hampshire on the north. The city has a land area of approximately 33.33 square miles and its 2000 population density was 1,828 persons per square mile.

Area Location Map



Major Highways and Public Transportation – The principal highway is Interstate Route 495, the outer belt around Boston. U.S. highways 97, 125, 110 provide access to surrounding communities. Commuter rail service is available to North Station, Boston, from Haverhill Center and Bradford. Haverhill is a member of the Merrimack Valley Regional Transit Authority (MVRTA), which provides fixed route service within Haverhill and to neighboring cities and towns.

Household Income – According to a published report by City-Data, the median household for residents of Haverhill in 2009 was \$63,384 and the average for the Commonwealth was \$65,365. Historically the median household income of residents of Haverhill has been slightly lower than most other communities in the region

Population Trends – CLResarch provides economic and demographic trends for various communities throughout the United States. Table B-1 details its' population projection for the City of Haverhill.

Table B-1 Population Trends

2010 Population Growth and Population Statistics	Haverhill, MA	Massachusetts
Total Population	92,373	6,819,031
Square Miles	33.33	7,840.02
Population Density	1,871.50	844.30
Population Change Since 1990	21.30%	10.02%
Population Change Since 2000	5.77%	4.25%
Forecasted Population Change by 2014	4.70%	3.85%

Employment Trends – The City of Haverhill has substantial employment centers including Ward Hill, a large industrial/office park situated off Route 495. The unemployment rate for residents of Haverhill is historically higher than most other communities in the region. The unemployment rate as of September 1, 2014 was 6.7% compared to the state average of 6.1%

Residential Property Value Trends – Residential property values in Haverhill are, on average, lower than most other communities in the region. The median sale price of single-family dwelling sales in 2012 and 2013 were \$223,900 and \$250,100, respectively. The median sale price of condominium unit sales in 2012 and 2013 were \$147,100 and \$157,000, respectively. The most recent sales data indicated a modest increase in residential property values during the past several years.

Downtown Office and Commercial Real Estate Trends –The majority of commercial space in the downtown area of Haverhill consists of storefront units. The improvements are typically two to four story structures built in the late 1800s and early 1900s having residential units or office space on the upper floors. Many of these properties were renovated and converted to a condominium form of ownership in the 1980s and 1990s. Prevailing rents for first floor commercial space located in the downtown area typically range from \$14.00/SF to \$18.00/SF with the tenants responsible for utilities (“N” lease). The overall vacancy rate for first floor commercial space in downtown Haverhill has been steady for the past several years at about 7.0% to 10.0%.

The majority of office properties located in the downtown area of Haverhill consists of multi-story buildings developed in the early 1900s. Commencing in 2008, there was overall decline in demand for office space throughout the Haverhill market area. Because of increasing vacancy rates, prevailing office rents steadily declined. Prevailing rent for office space in the downtown area of Haverhill range from \$12.00/SF to \$15.00/SF on a full service basis. During the past several years, the vacancy rate for office space in the downtown area of Haverhill has averaged $\pm 15\%$.

The Property is located Merrimack Street one block west of Main Street. Improvements on Merrimack Street in the immediate vicinity of the Property are typically two to four story buildings constructed in the late 1800s and early 1900s. Many of these properties were renovated within the past twenty or so years. There are also several multi-story buildings that have occupied ground floor units and vacant upper floors in poor condition.

B.2 SUBJECT PROPERTY AND PROPOSED EASEMENTS

The proposed permanent access and utility easement includes, approximately, 2,033 square feet located along the rear section of 56 – 66 Merrimack Street as depicted in the Easement Plan. The permanent piling easement consists of approximately 169 square feet, as depicted in the Easement Plan. The temporary easement is over that portion of the Property subject to each permanent easement totaling an area of approximately 2,202 square feet and will be for duration of up to five years.

The Property includes a ±12,864 square foot lot improved with a three-story building with a finished basement having an above-grade area of ±26,688 square feet. The permanent access and utility easement encumbers about 16% of the total site. The permanent piling easement encumbers about 1.31% of the entire site.

The access and utility easement and the piling easement comprise a total land area of approximately 2,202 square feet all of which is subject to the five year temporary easement. The proposed areas of both easements are utilized for off-street parking for the occupants of the Property. The proposed easements will have a limited impact on the market value of the subject Property.

Flood Zone – The area of the proposed easements are located within a flood zone. A copy of a flood hazard map of the subject is included Exhibit B.6.

Zoning - The subject is located in Waterfront Zoning District of Haverhill. Excerpts from this zoning district are included on the following page.

These exhibits are included in the following section of the report.

- B-1 Easement Plan
- B-2 Draft Order of Taking
- B-3 Assessor's Map
- B-4 Photographs of Easement Area and Surrounding Area
- B-5 Aerial Photographs
- B-6 Flood Hazard Map.

Zoning Excerpts from Waterfront District.

The Waterfront District will encompass sections of the downtown along the north side of the Merrimack River and the area located on the south (Bradford) side of the Merrimack River. There is currently no connection, either visually or physically, between the Bradford side of the Merrimack River and the rest of the downtown. This District will create standards and provide developers with incentives to create a connection for both sides of the River.

The Waterfront District will have standards for the entire district and will also create sub-zones that will contain standards specific to each zone. Each sub-zone will encourage uses that are appropriate for the zone. Under the umbrella of the Waterfront District, each of the sub-zones will contain goals and standards that will create a comprehensive vision for the waterfront. Together, each of the sub-zones will include goals for either developing affordable housing, market rate housing, mixed use development, artist live/work space, retail/office, higher educational uses, water dependant uses, and high and low density residential.

The major objectives of the district are to:

- Promote public access to and along the Merrimack River
- Promote new view corridors and protect existing view corridors to the Merrimack River
- Promote physical and visual connections between both the north and south sides of the Merrimack River and the downtown.
- Link the Merrimack River with street edges to maintain adequate pedestrian circulation and views of both the street and the river
- Provide the maximum public benefit in any new development or redevelopment of land along the Merrimack River
- Regain an active waterfront
- Create development nodes in order to plan for a comprehensive waterfront

- Create diversity of housing opportunities along the waterfront and within the downtown
- Create an artist community and promote artist live work space in the downtown and along the waterfront
- Create a retail and restaurant base that downtown residents can utilize
- Facilitate development of a mix of uses that contributes to a vibrant business environment and increases street level activity
- Ensure that existing and future development contributes to a continuous and active street that addresses the contextual, human scale, mixed use, and pedestrian friendly needs of the downtown
- Create new jobs at a variety of income levels
- Encourage the reuse of existing buildings and the construction of new, innovative designs that enhance the area
- Redevelop vacant or underutilized land with appropriately dense development
- Promote pedestrian activity in the downtown
- Encourage neighborhood and cultural tourism uses as well as infill housing and rehabilitation of existing structures

255-155: BOUNDARIES

The Waterfront District, hereinafter referred to as the WD, consists of land as shown on the map entitled "Waterfront Zoning District" and dated _____. This map is hereby made a part of the Zoning Ordinance and is on file in the Office of the City Clerk.

255-156: DEFINITIONS

The following definitions shall apply in the Waterfront District:

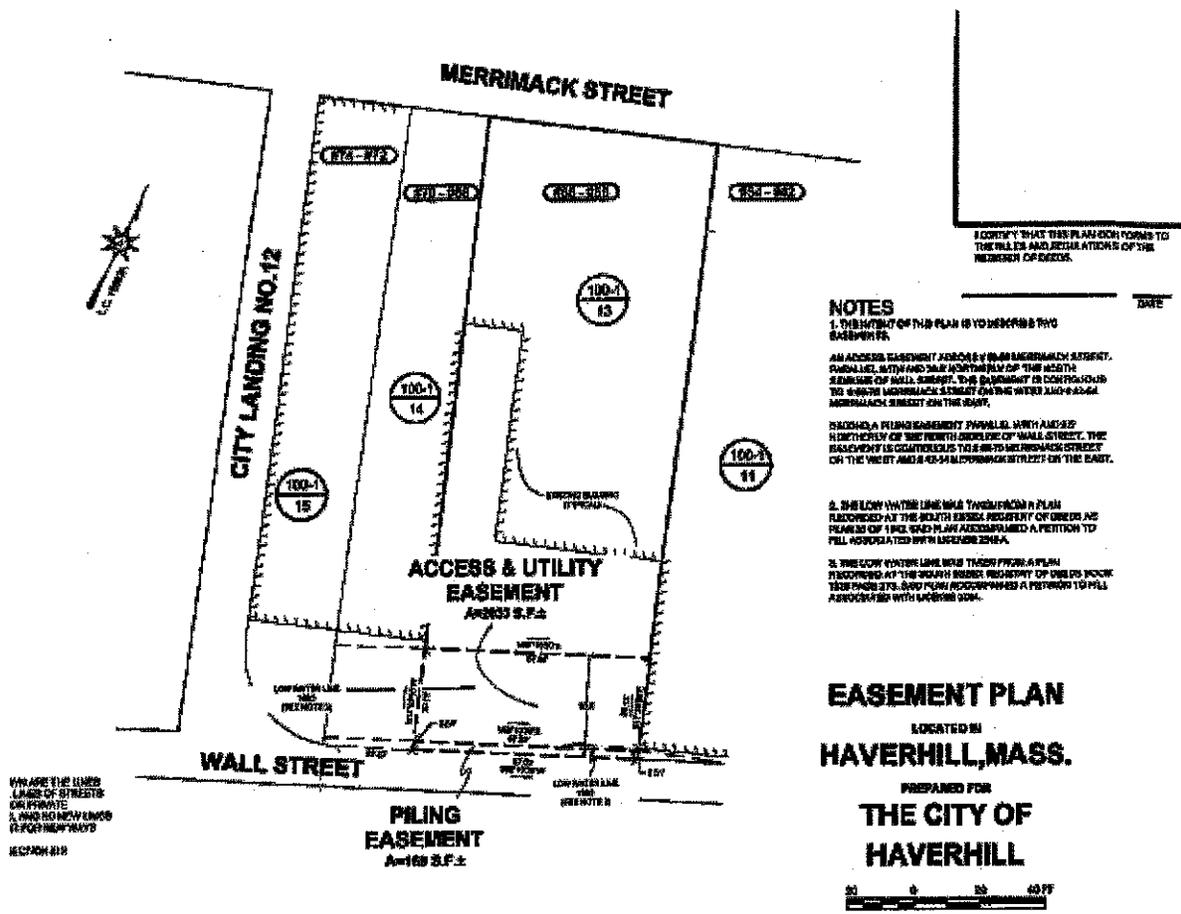
Art Gallery and/or Workspace

An establishment for the display of objects of art and/or photography. The artist can produce the objects of art and/or photography on site in order to display.

Professional or Artist/Live Work Unit

A residential use that permits up to 50% of the gross floor area of a residential dwelling unit to be used for the production of, showing, and sale of arts and crafts made on the premises by the occupant of said unit. Additionally, this term shall also mean a building or buildings where a portion of the total space is used for residential purposes and other portions, not to exceed 50% of the gross floor area of a building or buildings for the production, showing, and sale of arts and crafts produced by the residents thereof.

Exhibit B-1 Easement Plan



I CERTIFY THAT THIS PLAN CONFORMS TO THE RULES AND REGULATIONS OF THE REGISTER OF DEEDS.

DATE

- NOTES**
1. THE INTENT OF THIS PLAN IS TO DESCRIBE TWO EASEMENTS.
 2. AN ACCESS EASEMENT JOINS CITY OF MERRIMACK STREET, PARALLEL, SOUTH AND SOUTH-NORTHWEST FOR THE NORTH EASEMENT OF WALL STREET, THE EASEMENT IS CONTIGUOUS TO 4-1/2" WIDE MERRIMACK STREET JOINING WITH ALSO 4-1/2" WIDE MERRIMACK STREET ON THE EAST.
 3. BEING A PERMANENT EASEMENT PARALLEL WITH A CORNER NORTHERLY OF THE NORTH END OF WALL STREET, THE EASEMENT IS CONTIGUOUS TO 4-1/2" WIDE MERRIMACK STREET ON THE WEST AND 4-1/2" WIDE MERRIMACK STREET ON THE EAST.
 4. THE LOW WATER LINE WAS TAKEN FROM A PLAN RECORDED AT THE SOUTH ESSEX REGISTER OF DEEDS AS FILED OF 1962 AND PLAN ACCOMPANIED A PETITION TO FILL INCORPORATED WITH LARSEN 204A.
 5. THE LOW WATER LINE WAS TAKEN FROM A PLAN RECORDED AT THE SOUTH ESSEX REGISTER OF DEEDS BOOK 252 PAGE 275. AND PLAN ACCOMPANIED A PETITION TO FILL ACCOMPANIED WITH LARSEN 204A.

WHERE THE LINES LAID BY STREETS OR PRIVATE AND NO NEW LINES OR PROPERTY

EASEMENT PLAN
 LOCATED IN
HAVERHILL, MASS.
 PREPARED FOR
THE CITY OF HAVERHILL

0 25 50 75 FT

Exhibit B-2 Draft Order of Tanking

COMMONWEALTH OF MASSACHUSETTS

ESSEX, SS.

CITY OF HAVERHILL

ORDER OF TAKING

At a regularly convened meeting of the CITY COUNCIL of the CITY OF HAVERHILL held this 18th day of November, 2014, it was voted and ordered as follows:

The City Council of the CITY OF HAVERHILL, duly elected, qualified, and acting on behalf of the City, in accordance with the provisions of Massachusetts General Laws, Chapter 79, and the City's Charter, 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, temporary and permanent easements over, in, through, under and upon land commonly known and numbered 56-66 Merrimack Street, Haverhill, Essex County, Massachusetts (the "Property") and more particularly described in a deed dated May 22, 2007 from Marchand Holding Corporation to D.R. Locke LLC, being the owner of such property, and which deed is filed with the Land Court Division of the Essex South District Registry of Deeds noted as Document No. 479416 on Certificate of Title No. 80584, and which parcel is also shown on Land Court plan numbered 8616-A, drawn by John T. Desmond, Surveyor, dated December 14, 1921, as modified and approved by the Court, filed in the Land Registration Office, a copy of a portion of which is filed with original Certificate of Title 3992 in said Registry and which temporary and permanent easements taken are shown in the locations identified as the "Access & Utility Easement,

A=2033 S.F.+/-" and "Piling Easement, A= 169 S.F.+/-" both of which are shown on a plan entitled: "Easement Plan Located In Haverhill, Mass. Prepared for the City of Haverhill", dated June 18, 2014, prepared by Christiansen & Sergi, Inc., a copy of which is attached hereto as **EXHIBIT A** and recorded herewith (hereinafter "the Plan"), as is set forth more fully herein. The "Access & Utility Easement" and the "Piling Easement" is hereafter collectively defined as the "Easement Property".

1. Temporary easements are taken on and over the Easement Property depicted on the Plan for all purposes incidental to the construction of improvements on land adjacent to and on the Easement Property, such purposes to include, without limitation, surveying, constructing, inspecting, and installing, and maintaining improvements, parking and driveway areas, utilities, a boardwalk area to be developed adjacent to Wall Street and upon such other land adjacent to and upon the Easement Property including, without limitation, the portions of the Easement Property subject to the permanent easements described below, and including entry upon the Easement Property with any and all materials by foot, vehicle, and any 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 Easement Property to accommodate all permanent improvements, as described below, subject to the permanent easements, to be located within such Easement Property and land which is adjacent thereto and upon the Easement Property, and all other acts incidental thereto. The temporary easement, described herein, shall expire in **five (5) years** from the date this Order is recorded, provided that the completed grades and slopes on the Easement Property and those improvements designated herein below subject to the permanent easements shall be maintained in perpetuity. Upon completion of the City's use of said temporary easement described herein, the City shall remove all vehicles, materials and

equipment and restore the surface of the Easement Property to as close to the condition that existed immediately prior to such work as is practicable, excepting the completed grades and slopes on the Easement Property and those permanent improvements designated herein below pursuant to the permanent easements. Notwithstanding the foregoing, the aforesaid temporary easements shall not, in any way, be construed to limit the permanent rights taken hereunder within the Property for the construction, installation, maintenance, repair and replacement of improvements made consistent with such permanent rights.

2. A permanent, and non-exclusive access easement is taken through, under, over and across that portion of the Easement Property depicted on the Plan as an "Access & Utility Easement" for all purposes for which public ways are commonly used in the City of Haverhill (the "Access Easement"). Use of the Access Easement shall be continuous and unobstructed. The owner of the Property shall not change the layout or configuration of or otherwise relocate the Access Easement.

3. A permanent, and exclusive utility easement is taken through, under, over and across that portion of Easement Property depicted on the Plan as an "Access & Utility Easement" as shown on the Plan, for all purposes necessary and appurtenant for the construction, installation, maintenance, repair and replacement of utilities and related improvements, such purposes to include, without limitation, surveying, constructing, reconstructing, installing, inspecting, using, maintaining, repairing, replacing, removing or abandoning in place utilities and related improvements including, without limitation, underground sewer lines, underground drain lines and catch basins, and including entry by foot, vehicle, and all equipment to be used for all purposes stated herein and uses incidental thereto.

4. A permanent, and exclusive easement is taken through, under, over and across that portion of the Easement Property depicted on the Plan as a "Piling Easement" for all purposes necessary and appurtenant for the construction, installation, maintenance, repair and replacement of a support/piling system to support an elevated boardwalk to be constructed on and between the support/piling system and a flood protection wall located adjacent to Wall Street and shown on the plan entitled "Proposed Highway Adjacent to Flood Protection Wall Lower County Bridge Westerly, Haverhill, Mass. Prepared by Harry W. Bailey, City Engineer dated May 1940 and recorded at Essex South Registry of Deeds in Plan Book 73, Page 32 and all related and ancillary improvements, such purposes to include, without limitation, surveying, constructing, reconstructing, installing, inspecting, using, maintaining, repairing, replacing, removing or abandoning in place the support/piling system and related improvements and including entry by foot, vehicle, and any equipment used for all purposes stated herein and uses incidental thereto, and the right to allow public use of such easements.

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 is owned or supposedly owned by the owner 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.

In accordance with the provision of General Laws, Chapter 79, Section 6, we hereby award to the owner, those damages sustained by such owner of its property by reason of the aforesaid takings, the amount of such award being set out herein in Schedule A, which is not recorded herewith, and which Order and acted on this day.

No betterments are to be assessed under this taking.

[signature page follows]

IN WITNESS WHEREOF, we, the duly elected and qualified City Council for the City of Haverhill have hereunto set our hands and seal this _____ day of December, 2014.

CITY OF HAVERHILL,
By its City Council

John A. Michitson, President

William H. Ryan

Robert Scatamacchia, Vice President

Thomas J. Sullivan

Melinda Barrett

Mary Ellen Daly O'Brien

William J. Macek

Michael S. McGonagle

Colin F. LePage

APPROVED:

APPROVED AS TO FORM:

James J. Fiorentini,
Mayor

Jason A. Panos, Kopelman and Paige. PC.
Special Assistant City Solicitor

Exhibit B-3 Assessors' Map

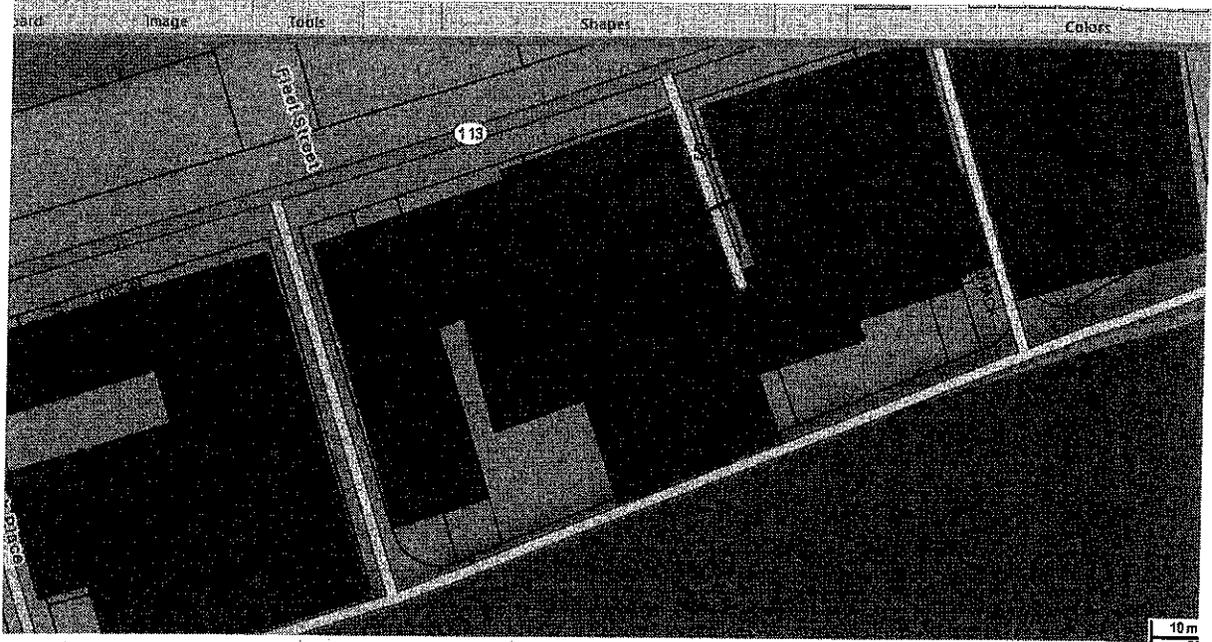
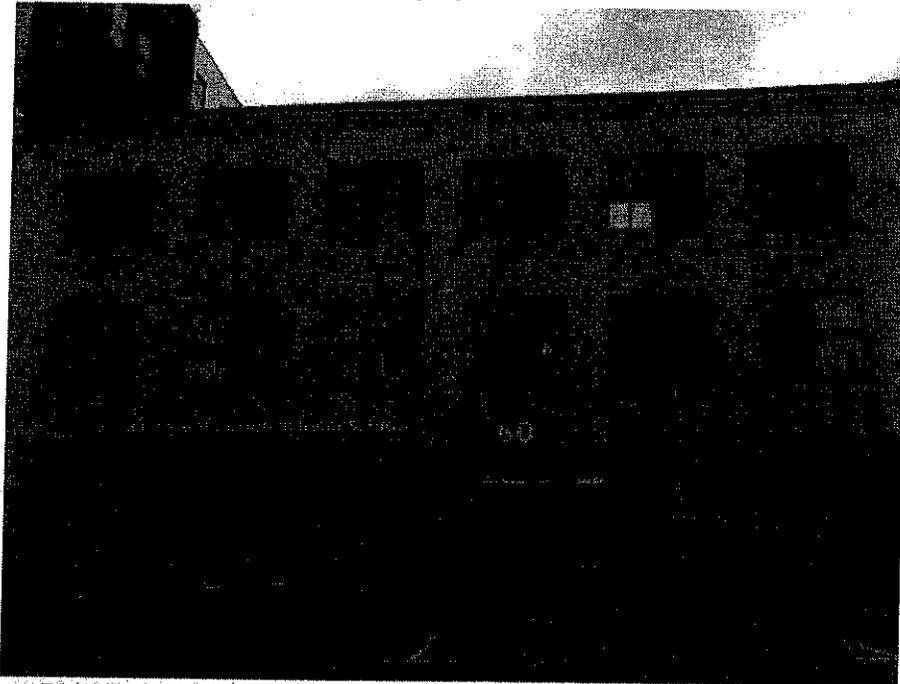
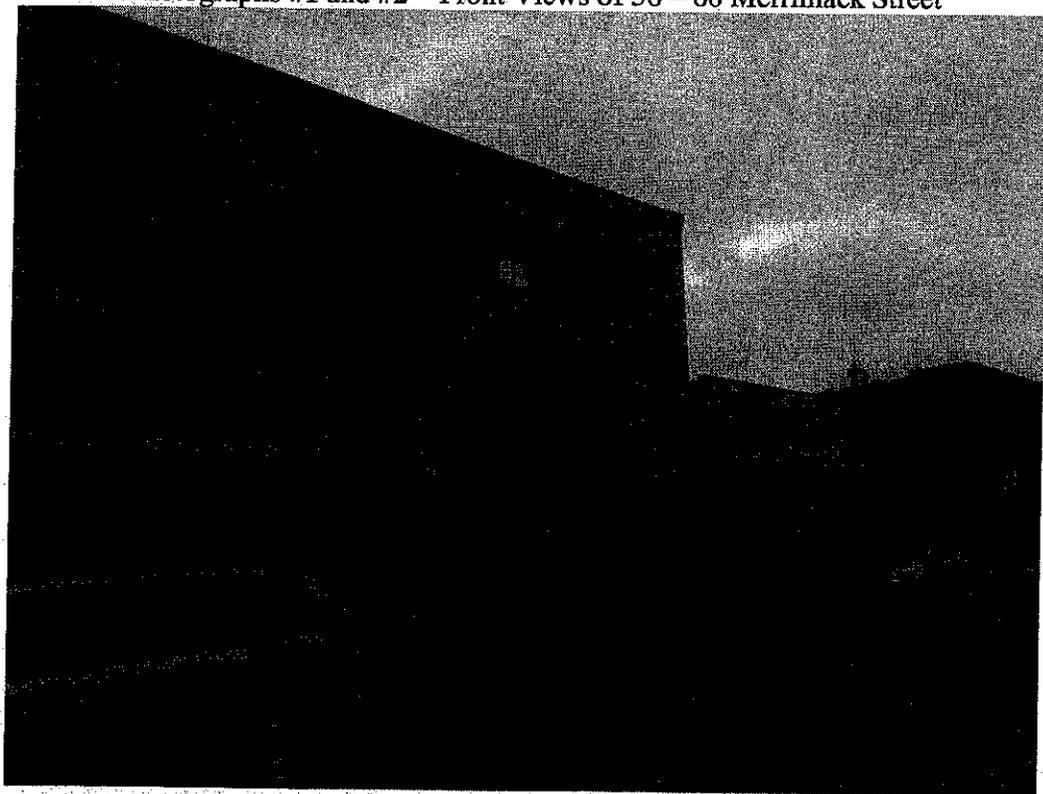


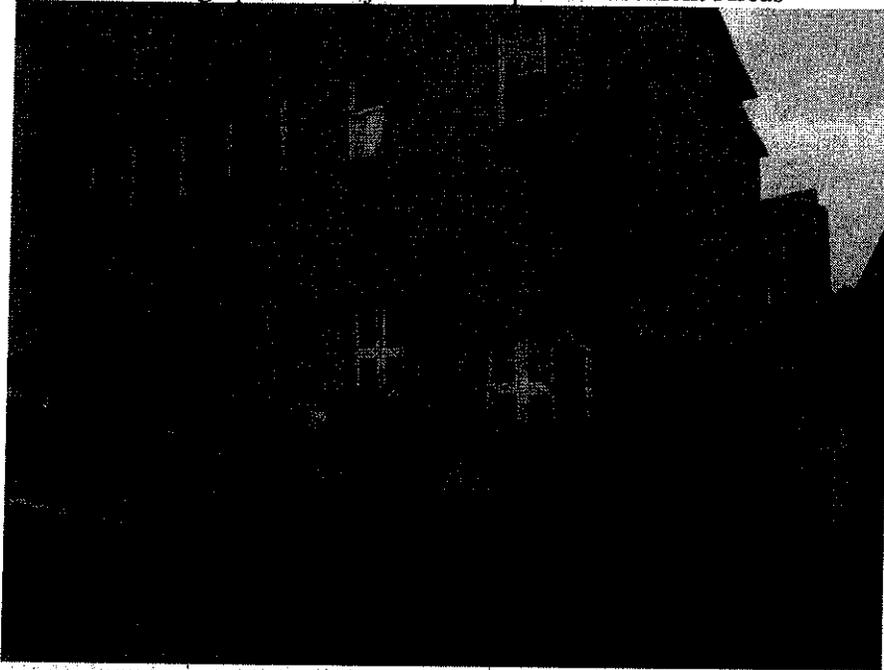
Exhibit B-4 Photographs of Easement Area



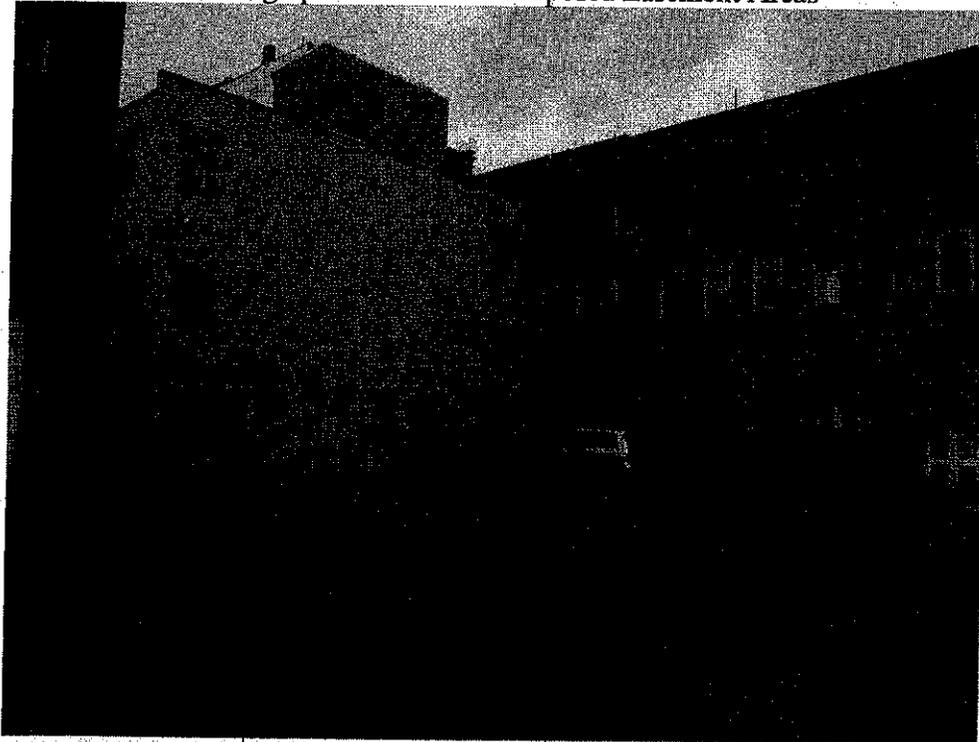
Photographs #1 and #2 – Front Views of 56 – 66 Merrimack Street



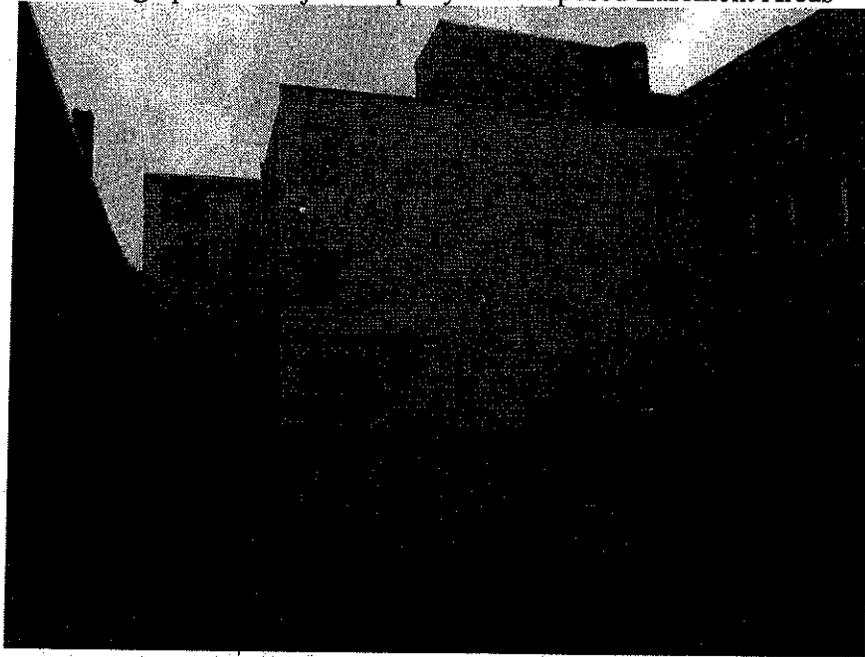
Photographs of Subject and Proposed Easement Areas



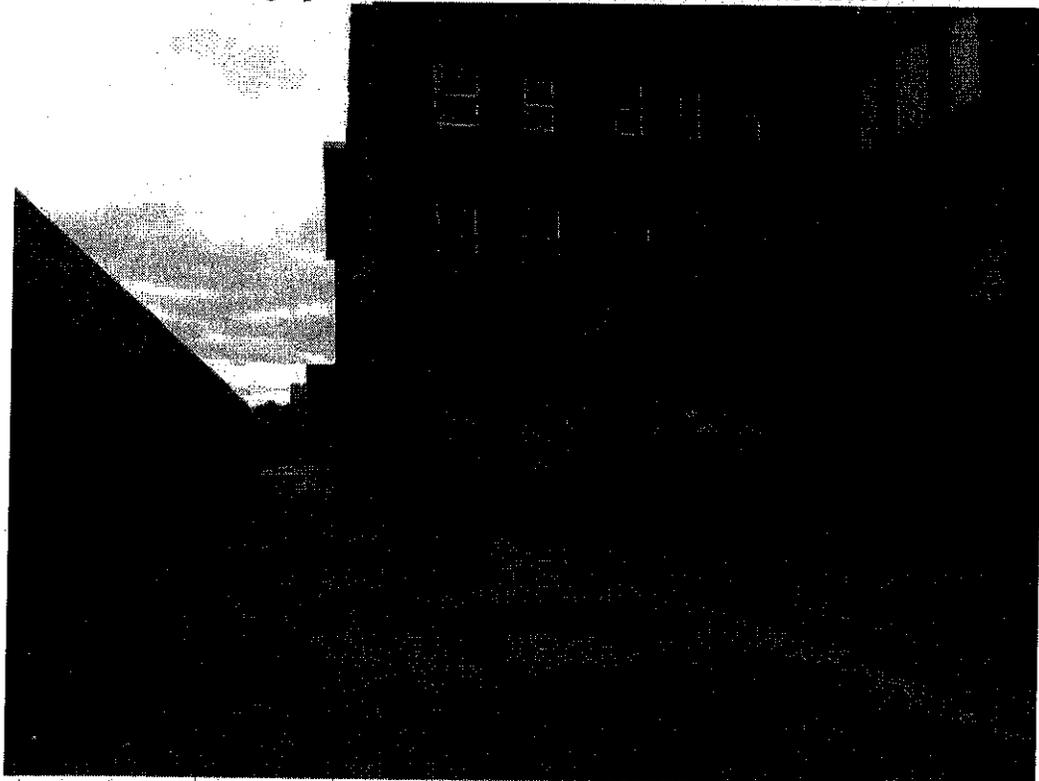
Photographs #3 and #4 – Proposed Easement Areas



Photographs of Subject Property and Proposed Easement Areas



Photograph #5 –Rear View of 56 – 66 Merrimack Street



Photograph #7 – View along Wall Street

Exhibit B-5 Aerial Photographs



SECTION C: VALUATION

C.1 EASEMENT VALUATION METHODOLOGY

An easement is an interest in real property that conveys use, but not ownership, of a portion of an owner's property. Access or right of way easements may be acquired by private parties or public utilities. Governments dedicate conservation, open space, and preservation easements.¹ Byrl N. Boyce in Real Estate Terminology Handbook defines an easement as a "non-possessing interest held by one person in land of another whereby the first person is accorded partial use of such land for a specific purpose. An easement restricts but does not abridge the rights of the fee owner to use and enjoyment of the easement holder's rights".

There are numerous types of easements that may be created by some type of contract, custom, implication or necessity that fall into four broad classifications:

- Surface – on top of the and touching the land
- Subsurface – underneath the land surface
- Overhead – above the surface, extending into airspace
- A combination of the above

The following details several of the different types of easements

- Drainage easement – for carrying off surface water
- Construction easement – a temporary easement for use during installation of improvements
- Ingress and egress easement – the right of a person to go over another's land to reach his/her land; for access to and from a property

An easement is an asset to its holder and a liability to the fee owner of the land burdened by the easement.

An easement refers to the benefit or advantage of the holder to which it accrues. Servitude refers to the burdened estate. The owner of the land which there is an easement is called a servient owner. A servient estate is one that is burdened with servitude. The owner of an easement is called a dominant owner.

¹ The Dictionary of Real Estate Appraisal, 4th Edition, Published by the Appraisal Institute

Valuation Methodology

The principles of appraising easements are based on market value assignments. Easements are evaluated on how they impact the utility and efficiency of the underlying fee ownership. In developing an opinion of value of an easement numerous factors are as follows:

1. How the easement will be used is an initial consideration. The easement may be surface, subsurface, overhead, or all of these. Easement rights may include the right to enter the easement area for construction, maintenance and reconstruction purposes. Typically, there are limitations on what can be placed within an easement area. What the fee owner can do within the easement area must be identified.
2. Another consideration identifies the respective responsibilities of the easement holder and fee owner in the easement area. This consideration includes identifying who is responsible for repairs and replacement of physical improvements. For example, the servant and dominant estates in an appurtenant easement may share the easement.
3. The location of the easement in relation to the land and any improvements located thereon is also considered. Location relates to present and future use of the property.
4. Additional factors include the intensity of use allowed through the easement.

Property Rights Definitions

Real property has been defined as "All interests, benefits and rights inherent in the ownership of physical real estate; the bundle of rights with which the ownership or the real estate is owned."² Ownership of real property entails with both rights and obligations. These rights include (1) ownership, (2) quiet possession and (3) use. Complete ownership of property is referred to as fee simple which is a title that signifies ownership of all the rights in a parcel of real property, subject only to the limitations of the aforesaid four powers of government. Property rights may be thought of as a series of layers, stacked one upon the other. These include –

- Above surface rights
- Surface rights and uses
- Sub-surface rights

An easement is an interest in real property that conveys use, but not ownership in, to over or below all or a portion of the underlying fee owner's property. In the instant case, after the City of Haverhill eminent domain taking of the proposed permanent and temporary easements, as depicted on the Easement Plan and described in the draft Order of Taking, the subject property owner stills retains the underlying fee ownership interest in the identified easement area only subject to the proposed temporary and permanent easements.

Comments

In my opinion, the proposed temporary and permanent easements will not have a significant detriment to the market value of the subject Property. The temporary easement and permanent easement will result in the loss of about six parking spaces. However, there is a public parking garage located on the opposite site of Merrimack Street from the subject property having more than enough capacity to accommodate the fee owner's loss of use of approximately six (6) parking spaces. In my opinion, the permanent access and utility easement will not have a detriment to the overall utility of the Property.

C.2 EASEMENT ANALYSIS

As mentioned above, the permanent access and utility easement, identified on the Easement Plan consists of approximately 2,033 square feet and comprises most of parking lot located to the rear of the Property. The permanent piling easement, identified on the Easement Plan, consists of approximately 169 square feet. The temporary easement will encumber the entire permanent easement area of approximately 2,202 square feet for a duration up to five years.

² Ibid, Page 234.

Permanent Easement Valuation

The proposed permanent access and utility easement is 2,033 square feet and the piling easement is 169 square feet. To determine my valuation of the proposed permanent easements, I reviewed the property on a "Before and After" basis. In my opinion, valuation was based on estimating the market value of the subject site. Steps used in this analysis are detailed as follows:

1. Estimate the market value of the Property.
2. The land value per square foot is applied to the land area of the proposed easement. This is the indicated fee simple value of the subsurface easement area.
3. Allocate a percentage loss to the fee simple value as a result of the subsurface easement. The percentage loss is based on allocation of the property rights conveyed. That is, subsurface rights as a percentage of the total bundle of rights.
4. The result of above steps is the loss in value (damages) of the proposed subsurface easement

In the course of this assignment, I researched recent sales of commercially zoned land located in the Haverhill market area. A summary of several of these land sales are included in the Addenda. Based on my research, the market value of the subject site as if vacant was estimated at \$20.00/SF or about \$255,000.

The area of the proposed permanent easements is 2,202 square feet. The fee simple value of this portion of the subject site is \$44,000 (rounded). In my opinion, there is only minor percentage loss in value to the fee simple ownership. The loss to the fee simple value is estimated at 20% to 25% of the affected fee interest, approximately **\$10,000**.

Temporary Easement Valuation

The five (5) year temporary Construction Easement encompasses the entire area of the permanent easements as depicted on the Easement Plan. In my opinion, there is no additional loss in value due to the temporary construction easement as described in the draft Order of Taking.

Total Easement Valuation Conclusion

The total loss in value to the subject Property for the proposed City of Haverhill easement takings is \$10,000.

SECTION D: ADDENDA

D.1 LEGAL

479416

DOCUMENT NO. _____

QUITCLAIM DEED

Affected Property: 56-66 Merrimack Street, aka 60 Merrimack Street
Haverhill, Massachusetts

MARCHAND HOLDING CORPORATION, a Delaware corporation duly qualified to transact business within the Commonwealth of Massachusetts having a principal place of business at 221 Mt. Auburn Street, Unit 103, Cambridge, Massachusetts 02138 for consideration paid of Three Million One Hundred Thousand (\$3,100,000.00) Dollars grants to D.R. LOCKE LLC, a Massachusetts Limited Liability Company having a principal place of business at 5 Middleton Road, Boxford, MA 01921, with QUITCLAIM COVENANTS, the land with the buildings thereon in Haverhill, Essex, County, Massachusetts, bounded and described as follows:

- NORTHERLY by Merrimack Street sixty eight and 89/100 (68.89) feet;
- EASTERLY by land now or formerly of Charles N. Rhodes, measuring on the upland one hundred eighty and 03/100 (180.03) feet;
- SOUTHERLY by Merrimack River; and
- WESTERLY by land now or formerly of J. Franklin Batchelder, Trustee, measuring on the upland about one hundred eighty two and 71/100 (182.71) feet.

All of said boundaries, except the river line, are determined by the Land Court to be located as shown upon plan numbered 8616-A, drawn by John T. Desmond, Surveyor, dated December 14, 1921, as modified and approved by the Land Court, filed in the Land Registration Office, a copy of a portion of which is filed with original Certificate of Title 3992 in said Essex South Registry District of the Land Court.

This conveyance is made subject to and with the benefit of all restrictions, easements and encumbrances that are of record, so far as the same may be in force and applicable, and to the lien of real estate taxes no yet due and payable.

The conveyance herein constitutes a sale of all or substantially all of the assets of the grantor. See waiver of corporate excise tax lien to be registered herewith.

Being the same premises conveyed to the Grantor by deed from WEI Haverhill I Limited Partnership filed with said Registry as Land Court Document Number 371290, Certificate of Title No. 72160.

479416 (80584+) Bch:216642
 Southern Essex District Registry
 5/24/2007 03:29 PM DEED

- 1 -

CANCELLED
 SALE DEEDS TO ESSEX SOUTH
 05/24/07 3:34PM 01
 000000 #4256
 FEE \$14136.00
 CHG #14136.00

IN WITNESS WHEREOF, the undersigned has executed this instrument under seal as of the 22nd day of May, 2007.

MARCHAND HOLDING CORPORATION

By: Janice M. Murray, Vice President
Janice M. Murray, Vice President

THE COMMONWEALTH OF MASSACHUSETTS

Essex, ss

On this 22nd day of May, 2007, before me, the undersigned notary public, personally appeared Janice M. Murray, Vice President of Marchand Holding Corporation, proved to me through satisfactory evidence of identification, which was a Massachusetts Driver's License to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose on behalf of said corporation.



JEFFREY M. BROWN
Notary Public
Commonwealth of Massachusetts
My Commission Expires
January 2, 2009

[Signature]
Notary Public
My Commission Expires: 1/2/2009

D.2 CERTIFICATION

I, Charles R. Haven, certify that I have personally viewed the site for the proposed easements located at 56-66 Merrimack Street, Haverhill, MA.

The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions, and is our personal, impartial, and unbiased professional analyses, opinions, and conclusions.

I have no present or prospective interest in the property that is the subject of this report, and we have no personal interest with respect to the parties involved.

I have not performed any services, as an appraiser or in any other capacity regarding the property that is the subject of this report within the three-year period immediately preceding acceptance of this assignment

I have no bias with respect to the property that is the subject of this report or the parties involved with this assignment.

My engagement in this assignment was not contingent upon developing or reporting predetermined results.

My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.

My analyses, opinions, and conclusions have been developed, and this report has been prepared, in compliance with the requirements of the

- Code of Professional Ethics and Standards of Professional Appraisal Practice of the Appraisal Institute
- In conformity with the Uniform Standards of Professional Appraisal Practice (USPAP) as promulgated by the Appraisal Standards Board of The Appraisal Foundation
- In accordance with the appraisal-related mandates within Title XI of the Federal Financial Institutions Reform, Recovery, and Enforcement Act of 1989

No one has provided significant professional assistance to the persons signing this report.

This appraisal is not based on a requested minimum valuation, a specific valuation, or the approval of a loan.

I have not relied on unsupported conclusions relating to characteristics such as race, color, religion, national origin, gender, marital status, familial status, age, and receipt of public assistance income, handicap, or an unsupported conclusion that homogeneity of such characteristics is necessary to maximize value.

It is my opinion that the subject does not include any enhancement in value because of any natural, cultural, recreational, or scientific influences retrospective or prospective.

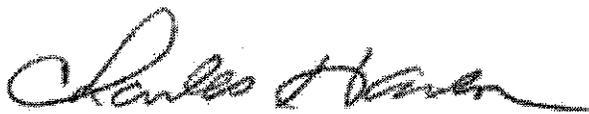
I have extensive experience in appraising properties similar to the subject and comply with the Competency Rule of USPAP.

The use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.

I have not previously appraised the subject property within the three-year period preceding acceptance of this appraisal assignment

As of the date of this report, Charles R. Haven, MAI, has completed the requirements of the continuing education program of the Appraisal Institute.

Certified by:



Charles R. Haven, MAI

Massachusetts Certified General #1252 – Expires March 23, 2016

NH Certified General #768 – Expires March 31, 2016

D.3 LIMITING CONDITIONS

The appraiser assumes:

1. That the subject Property's market value is based upon a fee simple estate that is free and clear of all liens, encumbrances, easements and restrictions unless otherwise noted.
2. No liabilities legal in nature.
3. The Property ownership and management are in competent, responsible hands.
4. That the Property is not operating in violation of any applicable government regulations, codes, ordinances, or statutes. Any zoning variations and special permits currently in place are assumed available as of the date of value.
5. That there are no concealed or dubious conditions of the subsoil or subsurface waters, including water table and flood plain.
6. The appraiser personally inspected the subject. When the date of inspection differs from the effective date of appraised value, the appraiser has assumed no material change in the condition of the Property, unless otherwise noted in the report.

The following limiting conditions are submitted with this report and the estimated value of the subject as set forth in this appraisal is predicated on them.

1. All of the facts, conclusions, and observations contained herein are consistent with information available as of the date of valuation. The value of real estate is affected by many related and unrelated economic conditions, both local and national. The appraisers assume no liability for the effect on this subject Property of any unforeseen precipitous change in the economy.
2. The valuation, which applies only to the Property described herein, was prepared for the purpose so stated and should not be used for any other purpose.
3. The appraiser has made no survey of the Property. All maps, sketches, building size estimate and site plans provided to the appraisers are presumed to be correct, but no guarantee is made as to their accuracy.
4. Any information furnished by others is presumed to be reliable and, where so specified in the report, has been verified, but no responsibility, whether legal or otherwise, is assumed for its accuracy nor can it be guaranteed as being certain. No single item of information was completely relied upon to the exclusion of any other information.
5. The signatories herein shall not be required to give testimony or attend court or appear at any governmental hearing with reference to the subject Property, unless prior arrangements have been made.

6. Disclosure of the contents of this report is governed by the bylaws of the Appraisal Institute. Neither this report nor any portions thereof (especially any conclusions as to value, the identity of the appraisers or the firm with which they are connected, or any reference to the Appraisal Institute or the MAI, or SRA designation) shall be disseminated to the public through public means of communications without the prior written consent and approval of the appraisers and the firm which they represent.
7. The appraiser has no present or contemplated interest in the subject Property.
8. Employment for this appraisal and compensation for this report is in no way contingent on the conclusions reported herein.
9. This appraisal has been made in conformance to the Code of Professional Ethics and Standards of Practice of the Appraisal Institute of which Charles R. Haven is a member, and represents the best judgment of the appraisers.
10. No responsibility is taken for the effect on the subject Property of changes in market conditions after the date of valuation or for the inability of the Property owner to find a purchaser at the appraised value.
11. No effort has been made to determine the impact on this project of possible energy shortages or present or future federal, state, or local legislation, including any environmental or ecological matters or interpretations thereof.
12. The date of valuation to which the value estimate conclusions apply is set forth in the letter of transmittal and within the body of this report. The value is based on the purchasing power of the U.S. dollar as of the date of the report.
13. The appraisal conclusions that apply to the subject Property are based on economic conditions and estimated supply and demand factors as of the effective date of value.
14. The report does not take into consideration the possibility of the existence of asbestos, PCB transformers, or other toxic hazardous or contaminated substances and/or underground storage tanks containing hazardous material. The report does not consider the cost of encapsulation, treatment, or removal of such material. If the Property owner has a concern over the existence of such conditions in the subject Property, the appraisers consider it imperative to retain the services of a qualified engineer or contractor to determine the existence and extent of such hazardous conditions. Such consultation should include the estimated cost associated with any required treatment or removal of hazardous material.

SPECIAL ASSUMPTIONS

An Extraordinary Assumption is defined in USPAP as an assumption, directly related to a specific assignment, which, if found to be false, could alter the appraiser's opinions or conclusions. Extraordinary assumptions presume as fact otherwise uncertain information about physical, legal, or economic characteristics of the subject Property or about conditions external to the Property, such as market conditions or trends, or the integrity of data used in an analysis."

A Hypothetical Condition is defined in USPAP as that which is contrary to what exists, but is supposed for the purpose of analysis. Hypothetical conditions assume contrary to known facts about physical, legal, or

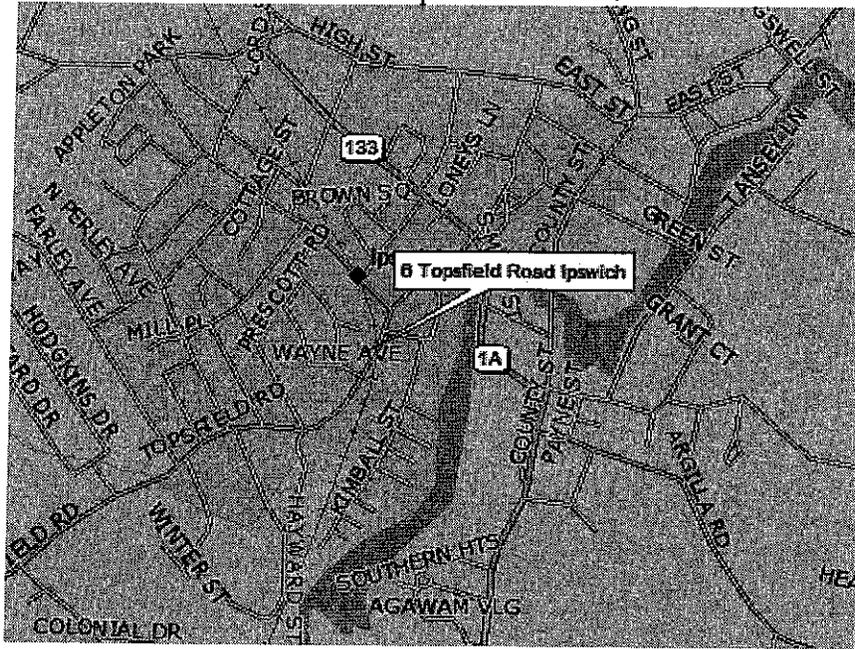
economic characteristics of the subject Property or about conditions external to the property, such as market conditions or trends, or the integrity of the data used in the analysis.

There were no Special Assumptions in my easement valuation

D.4 LAND SALES

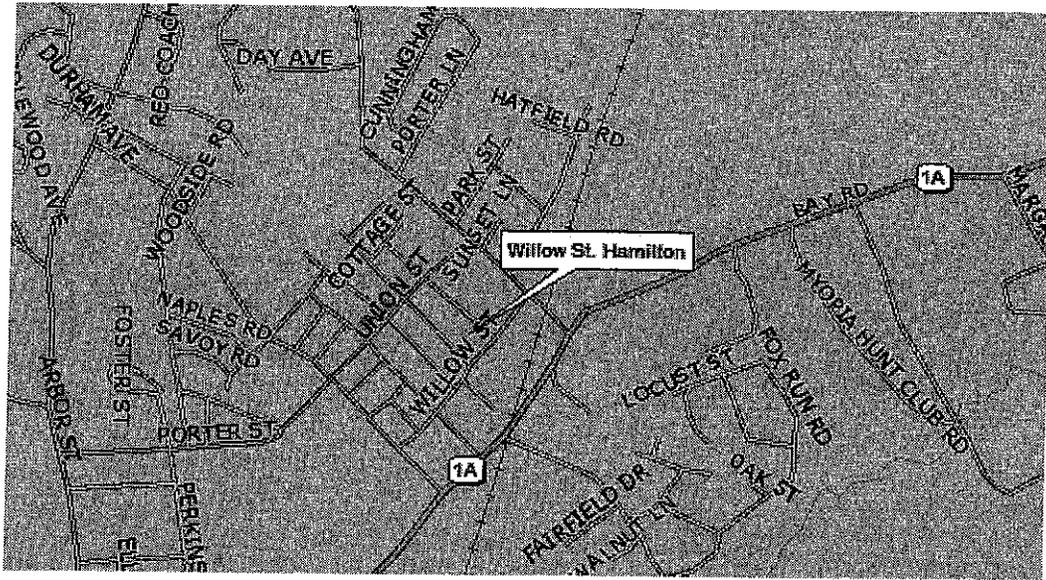
	#1/6 Topsfield Road, Ipswich
	\$850,000
	March 23, 2012
	Constance Markos to EBSCO Industries
	Book 31193 Page 144 – Essex County South Registry
	None recorded during prior three years
	Legal, assessor's records and representative of the buyers
	None recorded during prior three years
	33,100 square feet
	Irregular lot with 277 feet of frontage on Topsfield Road.
	\$25.68
Comments	
The site was purchased by the owners of an adjacent industrial property for use as a parking lot. At the time of sale, the site was improved with an industrial/warehouse building. Subsequent to this sale, the improvements were razed for development of a paved parking lot.	

Location Map Land Sale One



Address	#2/201 Willow Street, Hamilton
Sale Price	\$700,000
Sale Date	April 15 2011
Buyer	John Andrews to Bunky Realty LLC
Deed Book	Book 30353 Page 256 – Essex County South Registry
Deed Recorded	None recorded with sale
Deed Recorded	Legal, assessor's records and listing broker
Deed Recorded	None recorded during prior three years
Area	39,563 square feet
Frontage	Irregular lot with 253 feet of street frontage
Price per Sq Ft	\$17.69
Comments	
This site is located on a secondary street on the outskirts of the downtown area of Hamilton. Prior to this sale, the property was utilized as a lumberyard and improvements included two structures built in the early 1900s. Subsequent to this sale, most of the improvements were razed. The property was purchased by a local building contractor.	

Location Map Land Sale Two – Willow Street, Hamilton



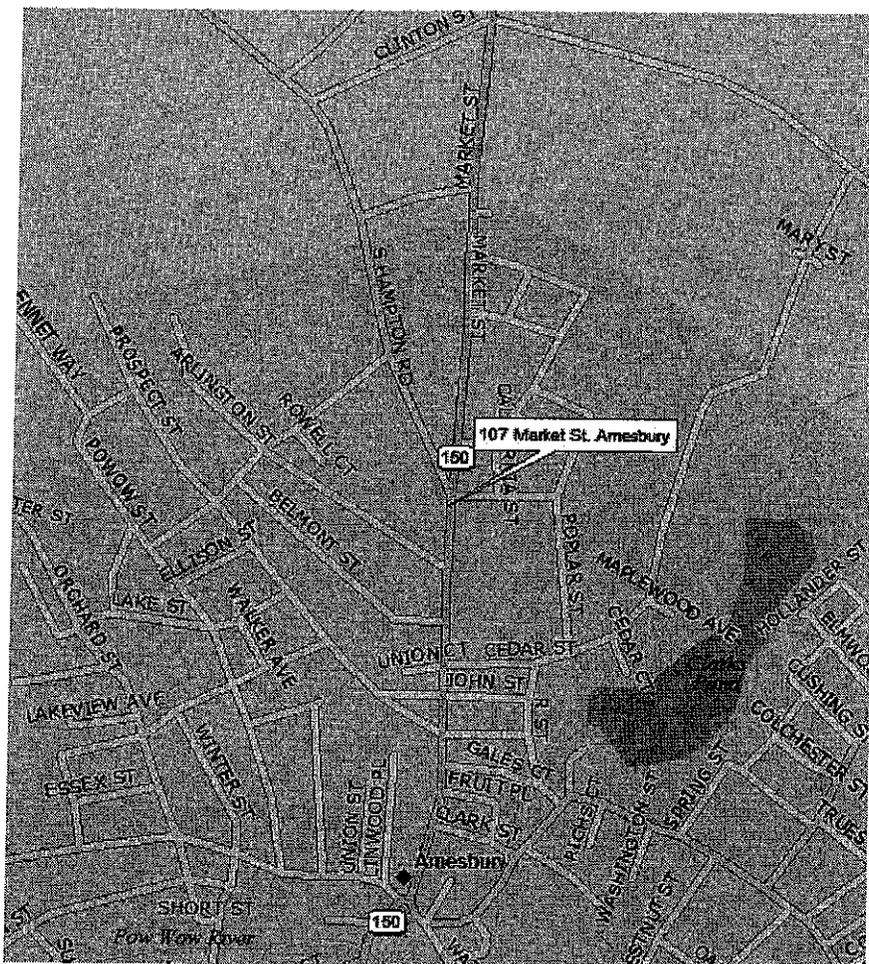
Address	#3/128 Rear Water Street, Danvers
Sale Price	\$202,000
Sale Date	January 11, 2013
Grantor/Grantee	Roy A. Nelson to Bunky's Realty LLC
Reference	Book 32109 Page 476 – Essex County South Registry
Mortgage	\$1,320,440 mortgage from First Colonial Savings Bank
Legal	Legal and assessor's records
Encumbrances	None recorded during prior three years
Area	35,900 square feet
Notes	Irregular lot with access via a right of way from Water Street
Sale Price per SF	\$5.63
Comments	
Comparable Land Sale Three is located in a fully developed area of Danvers. The site was purchased by the owners of an adjacent marina for boat storage.	

Location Map Land Sale #3 – 128 Rear Water Street, Danvers



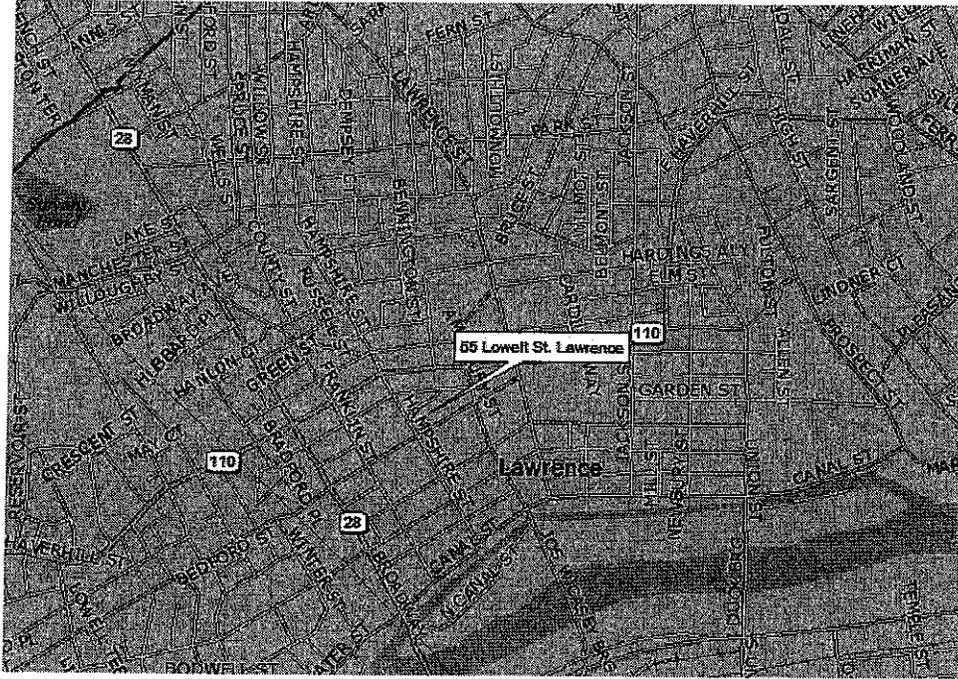
Address/Location	#4/107 Market Street, Amesbury
Sale Price	\$85,000
Date of Sale	November 30, 2012
Grantor/Grantee	Lawrence and Sandra Hoyt to Thermo-Dynamics International, Inc.
Registry	Book 31973 Page 311 Essex County North Registry
Encumbrances	None recorded with sale
Legal Records	Legal and assessor's records
Records during prior three years	None recorded during prior three years
Area	10,390 square feet
Shape	Irregular with 70 feet of frontage on Market Street
Sale Price per SF	\$8.18
Comments	
Site located on Market Street, Route 150, in an area that is about 80% developed and land use is a mix of residential and several nearby commercial properties.	

Location Map Land Sale #4 – 107 Market Street, Amesbury



Sale #	Sale #5 /55 Lowell Street, Lawrence
Sale Price	\$150,000
Date of Sale	December 29, 2011
Property Transfer	Sandalwood Arkansas Property to Joel Gorn
Recorded	Book 12761 Page 292 – Essex County North Registry
Encumbrances	None recorded with sale
Legal Description	Legal and assessor's records
Market History	None recorded during prior three years
Lot Area	21,327 square feet
Lot Description	Irregular lot with 195 feet of frontage on Lowell Street
Price per SF	\$7.03
Comments	
Comparable Land Sale Five is located in a fully developed area of Lawrence. Land use in the immediate vicinity of this site is a mix of older commercial and multi-family dwellings.	

Location Map Land Sale #5- 55 Lowell Street, Lawrence



D.5 QUALIFICATIONS OF APPRAISER

Charles R. Haven, MAI, SRA
 Patriot Properties, Inc.
 123 Pleasant Street, Marblehead, MA 01945
 Phone: 781- 586-9670/Fax: 781-586-9667
 E-Mail: Chaven2671@comcast.net

Experience

Mr. Haven had been appraising residential, commercial and industrial properties located in Massachusetts and New Hampshire since 1978. Types of assignments undertaken include apartment complexes, condominium developments, residential subdivisions, industrial facilities, shopping centers, office buildings, restaurants, nursing homes, and special purpose properties. Additional appraisal experience includes valuation in eminent domain, tax abatement and other litigation proceedings.

Employment

- Patriot Properties, Inc., Lynn, MA - July 1996 to Present
- Property Financial Appraisal Services, Gloucester, MA - January 1985 to June 1996.
Staff fee appraiser
- Municipal Management Consultants, Chelmsford, MA January, 1978 to January 1985.
Staff appraiser

State Certification

Certified General Appraiser – MA - #1252/Expires March 23, 2016

Certified General Appraiser – NH - #768/Expires March 30, 2016

Professional Affiliations

MAI and SRA Designations from the Appraisal Institute - MAI Member Number 10990

Real Estate Appraisal Education - 1995 to Present

Standards of Professional Practice	Appraisal of Nursing Homes
Business Practices and Ethics	Course 800 -Separating Real and Personal Property from intangible Business Assets
Eminent Domain and Condemnation Appraising	Course 550- Advanced Applications
Partial Interest Valuation	Supporting Capitalization Rates
USPAP – Yearly updates	
Attacking and Defending an Appraisal in Litigation	Appraising From Blueprints and Specifications
Affordable Housing Valuation	Dynamics of Office Building Valuation
Advanced Sales Comparison Approach	Advanced Sales Comparison Approach
Course 202 Income Property Valuation	Small Hotel/Motel Valuation
General Applications	Appraisal Review Seminar
Appraising Easements	Appraising Hotels

Real Estate Appraisal Education Continued

Report Writing Case Studies
Course 833 – Fundamentals of Separating Real
Property and Intangible Assets

Litigation Skills for the Appraiser
Marketability Studies: Advanced Considerations
and Applications

Qualified as an Expert Witness

Massachusetts State and Federal Courts
Massachusetts Appellate Tax Board
New Hampshire Superior Court
New Hampshire Board of Land and Tax Appeal

Partial List of Valuation Assignments

- Food processing plant Methuen, MA
- 18-hole golf course Haverhill MA
- ±80,000 square foot tennis and health club, Manchester-by-the Sea, MA
- 30,000 SF Class A office building, Beverly, MA
- 229 bed hospital, Methuen, MA
- ±168,000 SF community shopping center, Milford, MA
- 500 seat function facility, Windham, NH
- ±100,000 square foot office building, Salem, MA
- ±200,000 square foot office park, Wakefield, MA
- 260 unit apartment complex, Milford, MA