

BOARD OF SELECTMEN

SUPPLEMENTAL REPORT to TOWN MEETING

April 28, 2014

ARTICLE 16

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**BYLAW AMENDMENT/55 VENNER
ROAD/REMOVAL OF EASEMENT RESTRICTION**

VOTED: That the Town hereby releases the exterior lines taken by the Town of Arlington for an extension of Venner Road on April 6, 1942, as shown on a Plan filed with same, bearing Plan No. 213 of 1942, in exchange for the valuable consideration of \$65,000, as authorized by M.G.L. c. 40 §15.

(4-0)

Mr. Greeley was absent.

COMMENT: The Board had previously received presentations from both the proponents of Article 16 and the Town Manager on the nature of the taking of the exterior lines and the proponent's request to extinguish the Town's interests. The proponents and the Town Manager having reached an Agreement in Principle on the compensation the Town will receive for the release of the lines, has submitted such Agreement for the Board's approval prior to Town Meeting's consideration of the instant vote. The Town Manger will present information at Town Meeting on how the \$65,000 value was calculated as a fair representation of the parties' respective interests in the lines and removal thereof.

ARLINGTON LEGAL DEPARTMENT



Douglas W. Heim
Town Counsel

**AGREEMENT IN PRINCIPAL RE:
RELEASE OF TOWN OF ARLINGTON EXTERIOR LINES AT 55 VENNER ROAD**

This Agreement in Principal (“Agreement”) is entered into as of the date of the latest signature below between the Town of Arlington through its Town Manager, as authorized by the Board of Selectmen and Denise A. Long, Trustee for the Olimas Realty Trust. It is the understanding of the parties that the Agreement is subject to the approval by a two-third majority vote of Arlington Town Meeting, and will have no effect whatsoever, nor be binding in any way absent such approval.

WHEREAS, Denise A. Long, Trustee for the Olimas Realty Trust by virtue of a deed recorded in the Middlesex South Registry of Deeds in Book 46204, page 466 dated September 30, 2005 is the record owner of the property located at 55 Venner Road, which property is show on Map 138, Block 3, Lot 0010.A, and Lot - 0014.B, on Plans of the Town of Arlington, Board of Assessors; and

WHEREAS, the property is encumbered by exterior building lines as taken and established by the Town of Arlington by an Order of Taking dated April 6, 1942, and recorded at the Middlesex South Registry of Deeds in Book 6591, Page 1, and as shown on a Plan filed with the taking as Plan No. 213 of 1942; and

WHEREAS, a proposal to remove such exterior lines has been set forth in the Town of Arlington 2014 Warrant as Warrant Article No. 16; and

WHEREAS, the Trustee certifies that the abutting property owners have been notified of the Trust’s request to the Town of Arlington to release the exterior lines; and

WHEREAS, M.G.L. c. 40 §15 permits the release of such exterior lines for a minimum price and any set conditions by a two-thirds approval of Town Meeting, and subsequent conveyance by the Board of Selectmen, now therefore, **provided that the 2014 Annual Town Meeting, a quorum being present, votes by not less than a two-thirds majority to release such exterior lines**, the Town of Arlington and the Trustee agree as follows:

1. The Town of Arlington shall forthwith forever release and abandon its exterior lines taken and held on April 6, 1942 on and over the entire property located at 55 Venner Road.
2. The Trustee will bear any and all costs and fees associated with recording the Deed of Release and Abandonment of the exterior lines located at 55 Venner Road, including the Trust's attorney fees.
3. The Trustee will pay to the Town of Arlington the sum of **Sixty-Five Thousand Dollars (\$65,000.00)**, within thirty (30) days of the Sale of the property described herein.

Whereupon the parties hereto have affixed their signatures evidencing their agreement to the above provisions this 28th day of April 2014.

OLIMAS REALTY TRUST

TOWN OF ARLINGTON,

By: Denise A. Long
Denise A. Long, Trustee

By: Adam W. Chapdelaine
Adam W. Chapdelaine, Town Manager