

# REGIONAL TRANSPORTATION ADVISORY COUNCIL

## Summary of March 12, 2008 Meeting

This meeting was held in Conference Room 4 of the State Transportation Building.

The meeting was called to order at 3:05 PM.

### 1. Chair's Report – *Kristina Johnson, Chair and City of Quincy*

The Illustrative Projects Committee will meet after this meeting in the CTPS Conference Room. The ad hoc committee was formed to discuss outside of general-body meetings the merit of including a list of illustrative projects in an amendment to the long-range Transportation Plan.

The Advisory Council submitted to the Executive Office of Transportation and Public Works (EOTPW) a letter drafted by the Freight Committee supporting the agency's Statewide Rail and Freight Plan work scope.

The MPO Municipal TIP Days will be held on April 17 and May 1. Roughly, communities inside I-95/Route 128 will be invited to present to the MPO's Transportation Planning and Programming Committee on the first day, while those outside the beltway will be invited to present on the second day. Notices are now being sent to municipal TIP contacts.

At the last Transportation Planning and Programming Committee meeting, members discussed planning and process for this year's MPO election. Terms for the City of Newton and the Town of Hopkinton will expire this year. Municipalities in the following subregions are not eligible to run this year: North Shore Task Force, Minuteman Advisory Group on Interlocal Coordination, and MetroWest Growth Management Committee. MPO election milestones are were proposed for the following dates:

- Nomination Papers Due; April 28; 5:00 P.M.
- Candidates Night; Week of May 12; 7:30 P.M. (Date and Location TBD)
- MPO Election; May 28 (Time and Location TBD)

### 2. Approval of the Meeting Minutes of February 13, 2008

The minutes were approved unanimously.

### 3. Member Announcements

Marilyn Wellons, Riverside Neighborhood Association, encouraged members to listen to the March 11 recording of National Public Radio's *On Point*. In "The Future of Oil" host Tom Ashbrook interviewed author James Howard Kunstler, energy consultant Daniel Yergin, and consumer advocate Jamie Court.

**4. Presentation: “Right-of-Way Process”** – Linda Walsh, Pam Prentiss and Charlie O’Brien, Right-of-Way Bureau, MassHighway

Linda Walsh, Pam Prentiss and Charlie O’Brien from the MassHighway Right-of-Way Bureau detailed the right-of-way (ROW) process for primarily local roadway but also state highway projects. The presentation provided an overview of ROW certification and considered various differences between 25%, 75% and 100% designs. 25% preliminary designs involve initial plans and public outreach; 75% intermediate designs respond to public and MassHighway comments with refined design specifications; 100% final designs further refine the project and include advertised estimates. The process involves public outreach, legal documentation, detailed plans, and coordination between local and state officials and property owners.

Projects receiving federal or state funding through the MPO process or projects in which MassHighway administers construction cannot be advertised for construction bids until the ROW Bureau issues a ROW Certificate. This certificate ensures that municipalities follow all federal and state regulations in the ROW process. Once community compliance is affirmed, the ROW Bureau issues the certificate and enables the transportation project to proceed.

Points and Issues Raised During Discussion

How does corridor planning for non-motorized modes affect the ROW process? (John McQueen, WalkBoston)

*MassHighway provides technical support to municipal proponents, but the agency does not direct the project. Municipalities should appoint a liaison to work with MassHighway throughout the project. Bike trails need ROW certificates like all other transportation infrastructure. (L. Walsh)*

When MassHighway acts as the project proponent, could MassHighway make early takings in order to expedite a project’s permitting? (K. Johnson)

*MassHighway often makes early takings to expedite the project’s completion. Litigation associated with eminent domain often slows a project significantly. (C. O’Brien, MassHighway)*

How long do projects involving ROW issues typically take? (Jim Gallagher, MAPC)

*ROW certificates take at least 1.5 years, but each project is unique. Timelines depend on the number of property owners and stakeholders, their interests, and state-municipal coordination. (P. Prentiss)*

What are the circumstances in which a property owner would grant Right of Entry without compensation? (Malek Al-Khatib, Boston Society of Civil Engineers)

*Impacts could be nominal or improve the site in some way for the property owner. This voluntary grant depends on individual cases.*

How do public hearings support ROW projects? (Frank DeMasi, Wellesley)

*Public hearings serve to provide updated information or to remind the public about the project. (L. Walsh)*

Does the ROW process pertain to air rights, as with Parcel 7 in the Fenway neighborhood? (Romin Koebel)

*Air rights are not a MassHighway issue; the Turnpike would be the lead agency on that specific issue, and the agency would work with a private developer individually. (C. O'Brien)*

Who is responsible for fences placed on property lines? (M. Al-Khatib)

*Property fences usually need to recognize setback requirements required in local zoning ordinances. Although rare, fences placed directly on property lines would violate local zoning ordinances. (C. O'Brien)*

Does adverse possession affect ROW certification? (M. Wellons)

*Adverse possession does not affect public matters; it only affects private arrangements. (P. Prentiss)*

What are some differences between 25% and 75% design? (Tom Kadzis, Boston)

*Projects at the 25% stage show preliminary drafts of the project. Projects at the 75% stage address changes to the 25% design with greater attention to detail, such as ADA considerations or environmental mitigation.*

If members would like information about the ROW process from a municipal perspective, the City of Quincy has had considerable experience with ROW takings associated with a large-scale federal-aid highway project. (K. Johnson)

## **5. Advisory Council Committees**

Members informally discussed program topics for future meetings. Members identified the following projects, fieldtrips and issues:

- Transportation plans at neighboring MPOs. (K. Johnson)  
*This program would be important for inter-regional projects like South Coast Rail. (F. DeMasi)*
- DCR updates regarding parkways, bridges, tunnels and trails. (J. McQueen)
- Urban Ring Phase II preliminary plans (M. Wellons)
- The I-93/I-95 interchanges in Canton and in Reading; Crosby's Corner in Concord; and the Concord Rotary. (Steve Olanoff, Westwood)  
*MassHighway has prepared a presentation for this project. (Sue McQuaid, Neponset Valley Chamber of Commerce)*
- Transportation Bond Bill update. (Marcy Crowley, Wayland)  
*The Advisory Council should draft a letter supporting expedient passage of the bond bill and circulate it to the local officials and organizations that members represent. (S. Olanoff)*
- Transportation Finance Commission's report regarding the State's fiscal shortfalls for transportation infrastructure. (J. McQueen)
- Field trip to North and South Stations to consider new commuter rail connections. (R. Koebel)
- Transit connection between North and South Stations. (R. Koebel)
- Field trip to proposed area for the Green Line Extension to Somerville. (S. Olanoff)

- Update from the Massachusetts Infrastructure Investment Coalition. (M. Al-Khatib)
- Intelligent Transportation System presentation. (Chris Porter, MassBike)  
*Steve Peppin at the Executive Office of Transportation and Public Works has presented that topic to other groups in the past. (K. Johnson)*
- Parcel 7 near Kenmore Square update. (R. Koebel)  
*In January 2008 the City of Boston presented information about the Fenway/Longwood Kenmore Economic Stimulus Bill, which relates to that parcel. (K. Johnson)*

## **6. Adjourn**

The meeting was adjourned at 4:30 pm.

### **Attachment:**

1. Attendance List for March 12, 2008

## **Attendance List for March 12, 2008**

### **Agencies**

Jim Gallagher, Metropolitan Area Planning Council  
Steven Rawding, Massachusetts Aeronautics Commission  
Donna Smallwood, MassRides

### **Cities and Towns**

Marcy Crowley, Wayland  
Frank DeMasi, Wellesley  
Kristina Johnson, Quincy  
Tom Kadzis, Boston  
Steve Olanoff, Westwood  
John Squibb, Revere  
Gail Wagner, Lexington

### **Citizens Groups**

Malek Al-Khatib, Boston Society of Civil Engineers  
Schuyler Larrabee, Boston Society of Architects  
John McQueen, WalkBoston  
Sue McQuaid, Neponset Valley Chamber of Commerce  
Chris Porter, MassBike  
Marilyn Wellons, Riverside Neighborhood Association



### **Guests and Visitors**

Romin Koebel  
Ed Lowney  
Cheryl Ravalli

### **MPO Staff**

John Hersey

Right-of-Way Process  
Helping Communities Move Projects Forward

OVERVIEW

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MASS HIGHWAY

RIGHT-OF-WAY BUREAU

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The Right-of-Way Bureau

- A division of MassHighway responsible for acquiring and managing property necessary for state highway transportation projects
- The Uniform Act applies to all projects receiving federal or state funds or federal or state financial assistance where real property is acquired or persons are displaced as a result of acquisition, demolition, or rehabilitation

MASS HIGHWAY

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## State Highway Projects versus Local Roadway Projects

- **State Highway Project**
  - MassHighway is responsible for the Right of Way process
- **Local Roadway Project**
  - Municipality is responsible for Right of Way process with MassHighway oversight



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## Community Compliance Section

- A project can not be advertised for construction bids until the ROW Bureau issues a ROW certificate
- Ensures that municipalities follow all federal and state regulations in the ROW process
- Upon plan compliance, issues Right-of-Way certificate for the municipality which enables the transportation-related project to proceed



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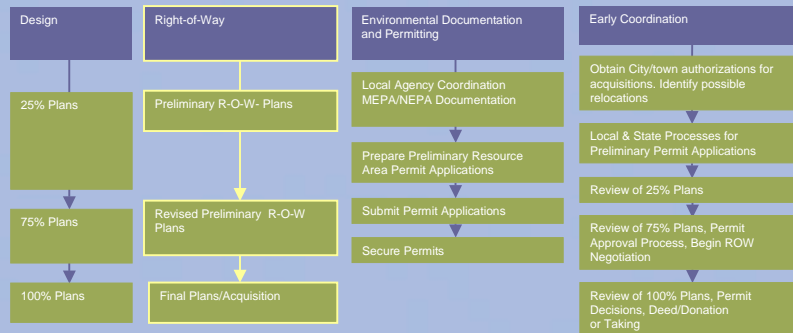
## When Must Municipalities Follow our Process?

- Local transportation-related project is receiving State and Federal assistance
- Funding is through the Metropolitan Planning Organization (MPO) process
- MassHighway administers construction



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## The Overall Process



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## Methods of Acquisitions for Municipalities

- Right of Entry
- Temporary Easement
- Permanent Easement
- Fee Acquisition
- Lease Agreement
- Permits




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## Right-of-Way Acquisitions

	Right of Entry	Temporary Easement	Permanent Easement	Fee Acquisition
<b>Description</b>	Access to private property necessary for minor work	Access to private property necessary for minor work	Gives acquiring agency permanent access to property	MassHighway or municipality determines it is in the public interest to purchase private property for project
<b>Future Access Required</b>	No	No	Yes	NA
<b>Time span</b>	One-time	Specific Term	Permanent	Permanent
<b>Compensation to property owner</b>	No	Yes	Yes	Yes
<b>Recorded at Registry of Deeds</b>	No	Yes	Yes	Yes
<b>Plans Required</b>	<ul style="list-style-type: none"> <li>•Description of limits of Right of Entry</li> <li>•Construction Drawings</li> </ul>	<ul style="list-style-type: none"> <li>•Preliminary Right-of-Way Plan</li> <li>•Construction Drawings</li> <li>•Layout Plan (certain Instances)</li> <li>•Instrument</li> <li>•Final Right-of-Way plan</li> </ul>	<ul style="list-style-type: none"> <li>•Preliminary Right-of-Way Plan</li> <li>•Construction Drawings</li> <li>•Layout Plan</li> <li>•Instrument</li> <li>•Final Right-of-Way plan</li> </ul>	<ul style="list-style-type: none"> <li>•Preliminary Right-of-Way Plan</li> <li>•Construction Drawings</li> <li>•Layout Plan</li> <li>•Instrument</li> <li>•Final Right-of-Way plan</li> </ul>



Right-of-Way Process  
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## The 25% Design Phase


- Identify Municipal contact liaison
- Begin Municipal authorization process
- Identify R-O-W associated costs

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    graph TD
      A[25% Design] --> B[25% Plan Review]
      B --> C[MassHighway Design Public Hearing]
      C --> D[Municipal Approval]
      D --> E[Right of Entry/Temp Easement/  
Permanent Easement/Fee Acquisition]
  
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MASS HIGHWAY RIGHT-OF-WAY BUREAU

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## Right-Of-Way Plan

- A Right-Of-Way Plan is a valuable visual tool for negotiators, appraisers, and attorneys involved in acquisition transactions. It also helps the property owners understand why and how their properties are being acquired.

MASS HIGHWAY RIGHT-OF-WAY BUREAU

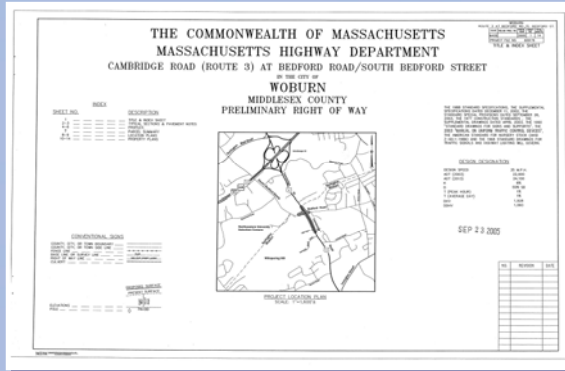
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## Right-of-Way Plan

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## What we look for on the Preliminary Right-Of-Way Plans

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- Fences
- Shrubby
- Trees
- Irrigation
- Parkland (legislation may be required for change in use)
- Signs
- Improvements



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## Preliminary Right-of-Way Plan

- Includes all information associated with:
  - Structures
  - Improvements
  - Drainage
  - Cesspools
  - Wells
  - Signs
  - Access roads
  - Landscaping
  - Fences
  - Septic tanks
  - Property bounds
- Preliminary Right-of-Way Plans are required for 25% design submittal
- Format should follow the 2006 MassHighway Project Development Design Guide
- Plans remain in preliminary stage until layout plan and instrument has been filed with Registry of Deeds



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## What We Look for



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## Outreach Letter

- Requests a Municipal contact
- Establishes the MassHighway liaison



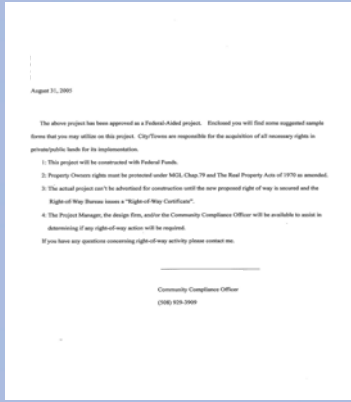
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## Federal Funding Letter

- Confirms Federal funding for the project



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## Instructions

- Compliance with these instructions is required for certification



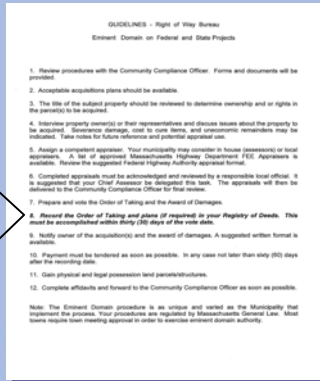
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## Eminent Domain Guidelines

Record the Order of Taking and Plans (if required) at your Registry of Deeds. This must be accomplished within thirty (30) days of the vote date.



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## Layout Plan

- Prepared once Preliminary ROW Plan is approved
- Must follow guidelines in the 2006 MassHighway Project Development & Design Guide
- Elements of the Layout Plan:
  - Proposed layout lines
  - Property lines
  - Corner markers
  - Names of property owners
  - Parcels to be taken
  - Access and non-access points
  - All boundaries
- Decree Plan may be required

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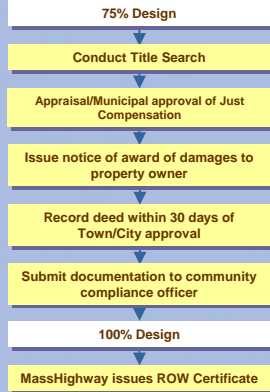
## Written Instrument

- Required to be recorded in Registry of Deeds
- Format should follow MassHighway standards
- Includes:
  - Plans
  - Descriptions
  - Orders of taking
  - Alterations
  - Layouts
  - Easements
- Title sheet of all plans must be signed and stamped by Massachusetts Registered Land Surveyor in charge of work

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## The 75% to 100% Design Phase

- Municipality is responsible for all appraisal, damages, and litigation costs.



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## Appraisal Guidance

- Municipality is responsible for appraisal expenses
- Consult MassHighway List of Approved Appraisers
- Damages >\$175,000 require two appraisals, and MassHighway appraisal review



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## Certificate of Donation

- Donation requires property owner to sign form waiving rights to an appraisal and an award of damages.

**CERTIFICATE OF DONATION**

Owner(s) of Record: \_\_\_\_\_  
 City/Town: \_\_\_\_\_ Fed Aid Number: \_\_\_\_\_  
 Project: \_\_\_\_\_  
 Do Not: \_\_\_\_\_ Permanent Easement(s): \_\_\_\_\_  
 Temporary Easement(s): \_\_\_\_\_

To: Director, Right of Way Bureau  
 Massachusetts Highway Department  
 10 Park Plaza, Room 418B - Boston, MA 02130-3973

This is to certify that the above referenced parcel(s) were donated to the project(s) approved for in the provisions of Title III, Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.

The easements of these parcels, will be accomplished by deed or order of taking and recorded in the Registry of Deeds.

This donation is made of my/our free will, I/we make no claim right(s) to an appraisal and compensation.

Owner(s) Authorized Representative \_\_\_\_\_ date \_\_\_\_\_  
 City/Town Official - Title \_\_\_\_\_ date \_\_\_\_\_

Note: If the subject parcel(s) is/are owned by a corporation, estate, trust, etc., then an appropriate document, incorporating this donation must be attached to this document.



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## Affidavit

- City/Town authorized official must sign the affidavit
- An affidavit is required for each property

**Affidavit**

City/Town: \_\_\_\_\_ Fed Aid Number: \_\_\_\_\_  
 Owner(s) of Record: \_\_\_\_\_  
 Parcel(s): \_\_\_\_\_

To: Massachusetts Highway Department  
 Director, Right of Way Bureau  
 10 Park Plaza, Room 418B - Boston, MA 02130-3973

This is to certify that all rights to land acquired by the City/Town in connection with the above referenced project were acquired in accordance with the provisions of Title III, Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.

with reference to the Act, the following applicable provisions were specifically met:

1. Real property was appraised on \_\_\_\_\_ before the initiation of the negotiations. The owner or his designated representative was given the opportunity to accompany the appraiser during the inspection of the property.
2. A fair market value of \$ \_\_\_\_\_ for the acquired property was offered. The owner was provided with a brief summary (a written statement) for the amount established as just compensation.
3. The owner was not or will not be required to surrender possession of the subject property before the tender of payment, or the agreed purchase price.
4. The owner was not coerced or compelled in any way to agree on the price to be paid for the property and was not left with an uncompensated interest.

Relocation, of residential/commercial occupancy, was not required.

Order of Taking Voted: \_\_\_\_\_ Recorded: \_\_\_\_\_  
 Written Notice Mailed: \_\_\_\_\_ Payment Tendered: \_\_\_\_\_  
 Physical Possession Secured: \_\_\_\_\_

City/Town Official: \_\_\_\_\_ Date: \_\_\_\_\_

Physical Possession may only be secured on the later of:  
 1. thirty (30) days after the owner receives written notice, or  
 2. after public (notice of hearing) has been received.



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## Town Meeting Approval of Eminent Domain

- Example language is provided in this document

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**Town Meeting Approval, Eminent Domain  
&  
Donations**

Must have received town meeting approval to acquire land parcels for highway purposes

The following is a suggested format that allows the Board of Selectmen to acquire the necessary land areas on behalf of the inhabitants of your municipality.

To authorize the Board of Selectmen to acquire the following land parcels and/or rights to land parcels for the purpose of obtaining a private and public right of way, this will allow for the construction and roadway safety improvements (Name of Project)

Total # Parcels	Area (Square Feet)
_____	_____

On Fee \_\_\_\_\_  
 Permanent Easements \_\_\_\_\_  
 Temporary Easements \_\_\_\_\_

Further that the Selectmen may acquire these parcels, or modification of these parcels or other required parcels through all legal means. This includes acquisition, purchase or eminent domain. The subject parcels are currently identified on plans drafted by \_\_\_\_\_  
 Based \_\_\_\_\_ titled \_\_\_\_\_  
 Further, to raise and appropriate an amount of \$ \_\_\_\_\_ to defray any associated right of way expenses connected with this project.

Your town council and other appropriate officials should review and draft the proposed articles. It should be notified as necessary given current information. Chapter 80A may be used for right of way purposes. Contact the State Highway District Office for information regarding use of your Chapter 80 funds. Town officials must activate the Right of Way Grant. This may include appraiser fees, sign relocation, board of survey, recording fees, attorney fees, etc. Your assessor's office should be of assistance in estimating the required appropriation.

If you have any questions, do not hesitate to give me a call!

Paula Prentiss, Community Compliance Officer  
603-820-1909  
Fax: 603-797-9211  
Ten Park Plaza  
Boston, MA 02116-1873



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## Relocation Guidance

- 3 kinds - Business, Residential and sign and or privately held utility
- Strict adherence to Public Law 91-646 Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 as amended (49CFR Part 24), Massachusetts General Laws, Ch. 79, 79A and 81§7J, Massachusetts Regulation 760 CMR Part 27 and the Right of Way Manual
- Relocation assigned to each displacee to assist in understanding benefits and make any type of relocation a smooth of a transition as possible
- Displacees are contacted early on in the process by relocation agents who guide and assist throughout the whole process
- After acquisition has been made, there is a minimum of 120 days that the displacee may remain on the acquired property

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## Right-of-Way Certificate

- Once the final Right-Of-Way Plan and all necessary documents have been submitted, reviewed, and accepted, MassHighway issues a Federal Right of Way Certificate

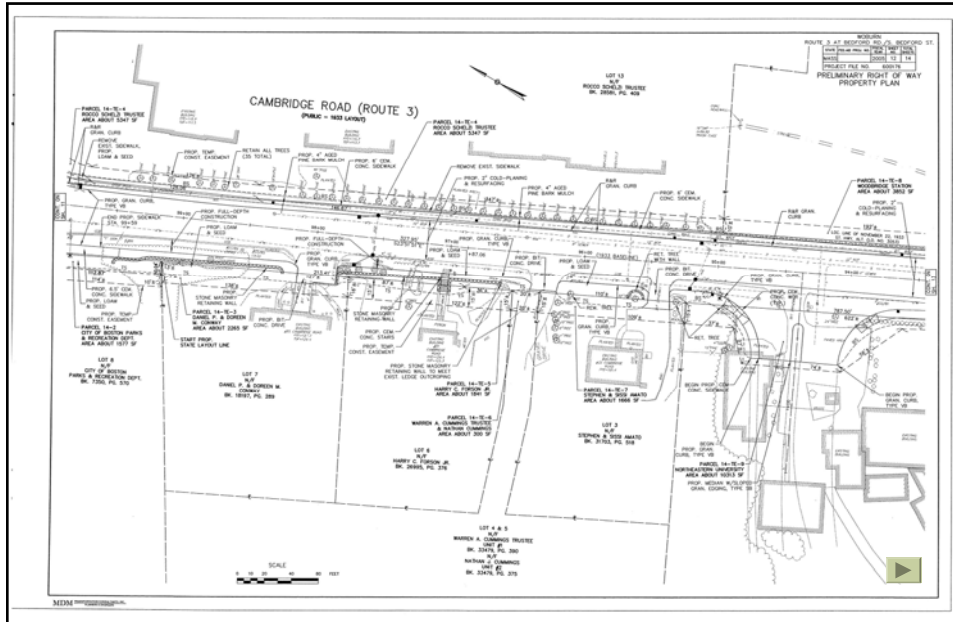


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## Benefits of Following the Process

- Avoid jeopardizing Transportation Improvement Program funding
- Avoid delays in advertising and construction
- Failure to comply with the provisions of the Uniform Act will result in denial of federal participation in project cost





August 31, 2005

A secured right of way is necessary for the design, construction and future maintenance requirements of this project. Your community is responsible for all cost and effort associated with acquiring any necessary rights in private or public lands for this undertaking. Acquisition procedures must follow Federal and State laws and regulations. Your community may acquire needed rights through eminent domain, donations or purchase. If you have a town form of government, please note the enclosed document concerning Town Meeting approval.

The Commonwealth is responsible for monitoring acquisition activities of local acquiring agencies on Federal Aid projects. Therefore, it is advisable that the Right of Way Bureau and your municipality work closely together during the entire acquisition process. This association will enable your community to expedite the acquisitions and be assured that Federal and State requirements are met.

Your municipality must designate a coordinator/liaison to work with our Community Compliance section. The Right of Way Bureau will provide brochures, guidance, sample forms, and advisory services to meet Federal and State requirements.

The scope of the right of way activity will determine the need or requirement for right of way plans. Please review the enclosed guidelines.

The Right of Way Bureau is looking forward to working with your community on this project. If you have any questions please feel free to contact Pamela Prentiss, Community Compliance Officer, at (617) 973-7951 or (508) 929-3909.

Sincerely,

Right of Way Bureau

Enclosure(s)



August 31, 2005

The above project has been approved as a Federal-Aided project. Enclosed you will find some suggested sample forms that you may utilize on this project. City/Towns are responsible for the acquisition of all necessary rights in private/public lands for its implementation.

- 1: This project will be constructed with Federal Funds.
- 2: Property Owners rights must be protected under MGL Chap.79 and The Real Property Acts of 1970 as amended.
- 3: The actual project can't be advertised for construction until the new proposed right of way is secured and the Right-of-Way Bureau issues a "Right-of-Way Certificate".
- 4: The Project Manager, the design firm, and/or the Community Compliance Officer will be available to assist in determining if any right-of-way action will be required.

If you have any questions concerning right-of-way activity please contact me.

---

Community Compliance Officer  
(508) 929-3909



Pamela Prentiss Community Compliance Officer - Right of Way Bureau  
Districts #1, #2 & #5 Ten Park Plaza-Room 6160 Boston, Ma 02116  
(508) 929-3909 & (617) 973-7951

id. Aid #PENDING

Projis Key #603843

Copies of the following documents are required in order to issue a Right of Way Certificate allowing this project to be advertised. Your timely attention and response to this matter is required.

- \_\_\_\_\_ The Order of Taking as recorded. The book and page or document numbers along with the recording date must be clearly shown on the instrument.
  - \_\_\_\_\_ Plans as recorded, with plan book/page or document number clearly shown.
  - \_\_\_\_\_ A properly executed Certificate of Donation on all appropriate parcels
  - \_\_\_\_\_ Executed Rights of Entries on affected properties.
  - \_\_\_\_\_ A certified copy of your town meeting vote that authorized eminent domain, gift acceptance, etc. on land parcels.
  - \_\_\_\_\_ A typical notice of taking that was mailed to an affected property owner.
  - \_\_\_\_\_ Affidavits on all fee and permanent easement parcels, whether donated or acquired under eminent domain. Affidavits are also required on temporary easements parcels acquired by eminent domain. All temporary easement must have an end date (term).
  - \_\_\_\_\_ Deeded donations with the book/page or document number and recording date clearly shown.
- Other: Appraisals on the TE's if they are acquired by Eminent Domain.



**CERTIFICATE OF DONATION**

Owner(s) of Record: \_\_\_\_\_  
City/Town: \_\_\_\_\_ Fed Aid Number: \_\_\_\_\_  
Project: \_\_\_\_\_  
In Fee: \_\_\_\_\_ Permanent Easement(s): \_\_\_\_\_  
Temporary Easement(s): \_\_\_\_\_

To: Director, Right of Way Bureau  
Massachusetts Highway Department  
10 Park Plaza - Room 6160  
Boston, MA 02116-3973

This is to certify that the above referenced parcel(s) were donated by the owner(s) as provided for in the provisions of Title III, Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.

The conveyance of these parcels, will be accomplished by deed or Order of Taking and recorded in the Registry of Deeds.

This donation is made of my/our free will. I/we waive my/our right(s) to an appraisal and compensation.

\_\_\_\_\_  
Owner(s)/ Authorized Representative \_\_\_\_\_ date

\_\_\_\_\_  
City/Town Official - Title \_\_\_\_\_ date

Note: If the subject parcel(s) is/are owned by a corporation, estate, trust, etc., then an appropriate document, authorizing this donation must be attached to this document.



**Affidavit**

City/Town: \_\_\_\_\_ Fed Aid Number: \_\_\_\_\_  
Owner(s) of Record: \_\_\_\_\_  
Parcel(s): \_\_\_\_\_

To: Massachusetts Highway Department  
Director, Right of Way Bureau  
10 Park Plaza, Room 6160 - Boston, MA 02116-3973

This is to certify that all rights in land acquired by the City/Town in connection with the above referenced project were acquired in accordance with the provisions of Title III, Uniform Relocation Assistance and Real Property Acquisitions Policies Act of 1970 as amended.

With reference to the Act, the following applicable provisions were specifically met:

1. Real property was appraised on \_\_\_\_\_, before the initiation of the negotiations. The owner or his designated representative was given the opportunity to accompany the appraiser during the inspection of the property.
2. A fair market value of \$ \_\_\_\_\_ for the acquired property was offered. The owner was provided with a basis summary (a written-statement) for the amount established as just compensation.
3. The owner was not or will not be required to surrender possession of the subject property before the tender of payment, or the agreed purchase price.
4. The owner was not coerced or compelled in any way to agree on the price to be paid for the property and was not left with an uneconomic remnant.
5. Relocation, of residential/commercial occupancy, was not required.

Order of Taking Voted: \_\_\_\_\_ Recorded: \_\_\_\_\_

Written Notice Mailed: \_\_\_\_\_ Payment Tendered: \_\_\_\_\_

Physical Possession Secured: \_\_\_\_\_

\_\_\_\_\_  
City/Town Official \_\_\_\_\_ Date

Physical Possession may only be secured on the later of:  
1: Thirty (30) days after the owner receives written notice, or  
2: After payment (award of damages) has been tendered



**Town Meeting Approval, Eminent Domain  
&  
Donations**

Most towns require town meeting approval to acquire land parcels for highway purposes

The following is a suggested format that allows the Board of Selectmen to acquire the necessary land areas on behalf of the inhabitants of your municipality.

To authorize the Board of Selectmen to acquire the following land parcels and or rights in land parcels for the purpose of obtaining a secure and public right of way. This will allow for the construction and roadway safety improvements (Name of Project)

	Total # Parcels	Area (Square Feet)
In Fee	_____	_____
Permanent Easements	_____	_____
Temporary Easements	_____	_____

Further that the Selectmen may acquire these parcels, or modification of these parcels or other required parcels through all legal means. This includes donations, purchase or eminent domain. The subject parcels are currently identified on plans drafted by \_\_\_\_\_

Dated \_\_\_\_\_ Titled \_\_\_\_\_

Further, to raise and appropriate an amount of \$ \_\_\_\_\_ to defray any associated right of way expenses connected with this project.

Your town council and other appropriate officials should review and draft the proposed article. It should be modified as necessary given current information. Chapter 90 funds may be used for right of way purposes. Contact the local Na. Hwy. District Office for information regarding use of your Chapter 90 Funds.

Town officials must estimate the Right of Way Cost. This may include appraiser fees, sign relocation's, award of damages, recording fees, Attorney fees, etc. Your assessors office should be of assistance in estimating the required appropriation.

**If you have any questions? Do not hesitate to give me a call**

Pamela Prentiss, Community Compliance Officer  
(508)929-3909  
Fax (617) 973-7951  
Ten Park Plaza  
Boston, Ma 02116-3973

