

## CITY OF NEWBURYPORT



IN CITY COUNCIL

**ORDERED:**

January 10, 2022

AN ORDER TO AUTHORIZE ACQUISITION OF LAND IN CONNECTION WITH RECONSTRUCTION OF THE CUTTER WEST END FIRE STATION AND TO APPROPRIATE FUNDS FOR THE SAME

Be it ordained by the City Council of the City of Newburyport as follows:

**THAT** the City Council of the City of Newburyport by virtue of and in accordance with the authority of the provisions of Chapter 79 of the Massachusetts General Laws, as amended, and of any and every other power and authority which is hereunto in any way enabling, having by its vote under Section 26 of the Newburyport City Council Rules (2021) suspended application of Rule 7I of such Rules requiring submission of an appraisal as it may apply to the following disposition of land, hereby adopts this Order of Taking to acquire the fee in that certain real estate depicted as “Lot A,” on the plan entitled “Plan of Land in Newburyport, Massachusetts, Surveyed for City of Newburyport, 153 Storey Avenue & 1 Lt. Leary Drive,” prepared by Winter GEC, LLC, dated September 14, 2021, having an area of 7,535 square feet (the “Taking Parcel”), for public safety purposes, including the construction of a municipal fire station, and to authorize the City Council President to execute an Order(s) of Taking to effectuate the purposes of this vote; and

**THAT** upon the recording of such order, in reliance upon and subject to the conditions set forth in a certain Waiver of Appraisal and Damages titled “Friendly Taking of Parcel of Land Located at 1 Lieutenant Leary Drive – Waiver of Appraisal and Damages” and executed by said Owners and the City of Newburyport on October 22<sup>nd</sup>, 2021, on file with the City Clerk, compensation in the amount of Four Hundred Thousand Dollars (\$400,000.00), be paid to the Owners of said property as full compensation for all damages sustained by them as a result of said taking; and

**THAT**, Four-Hundred-Thousand Dollars (\$400,000.00) is appropriated to pay the compensation indicated above, including the payment of all costs incidental and related thereto, and that to meet this appropriation, the Treasurer with the approval of the Mayor, is authorized to borrow said amount under and pursuant to M.G.L. c. 44, §7(1), or pursuant to any other enabling authority, and to issue bonds or notes of the City therefor; and that the Mayor and the Treasurer are authorized to take any other action necessary or convenient to carry out this vote. Any premium received upon the sale of any bonds or notes approved by this order, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with M.G.L. c. 44, §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

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Councillor James J. McCauley

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Councillor Sharif I. Zeid