



Sponsor: Administration

TOWN OF FRANKLIN

RESOLUTION 19-15

ORDER OF LAYOUT, ACCEPTANCE, AND TAKING OF MICHAEL ROAD (EXTENSION) AND RELATED EASEMENT

WHEREAS, by virtue of Massachusetts General Laws Chapter 82, Section 21 and 24, the Town of Franklin, acting by and through its Town Council, is authorized to lay out, accept and take by eminent domain under Massachusetts General Laws Chapter 79, or acquire by purchase or otherwise, any lands, rights of way or easements necessary for the construction, and maintenance of roadways for public use, and

WHEREAS, the Town Council has held a public hearing after having given prior written notice thereof to the owner of record of each property abutting the road and notice by newspaper publication, and

WHEREAS, the laying out, acceptance, and taking by eminent domain of the fee in Michael Road (Extension) and a related drainage easement, all as hereinafter described, for roadway purposes is recommended by the Planning Board, the Town Administrator and the Director of the Franklin Department of Public Works, and

WHEREAS, Steven P. Clement, Trustee of the K & J Realty Trust, u/d/t dated October 29, 1995 recorded at Norfolk County Registry of Deeds in Book 11093 at Page 663, the owner of the fee in said roadway, has conveyed said roadway to the Town by deed dated January 5, 2018, to be recorded at Norfolk County Registry District and/or Registry of Deeds herewith, and Kenneth M. Brown and Kara L. Brown of 15 Michael Road, Franklin, MA, the owners of said property, which is also shown as Lot 3 on the plans referred-to hereinafter have conveyed a thirty-foot wide drainage easement running across the rear of Lot #3 to Town by Grant of Easement to be recorded herewith, and

WHEREAS, the purpose of this order is to comply with statutory requirements and/or to confirm title in the Town and no land damages are therefore anticipated, and

WHEREAS, said layouts, acceptances and takings are in the best public safety interests of the Town of Franklin.

NOW, THEREFORE, BE IT ORDERED THAT:

1. The Town Council of the Town of Franklin, by virtue of and in exercise of and the execution of power and authority conferred by said statutes, hereby adjudges that

public safety, necessity and convenience require the layout, acceptance, and taking by eminent domain, of the land hereinafter described, for the purposes hereinafter stated.

2. The Town of Franklin, acting by and through the Town Council by virtue of and in the exercise of the power and authority conferred by said statutes and in accordance with the provisions of Massachusetts General Laws Chapter 79 and Chapter 82, Sections 21 and 24, and all and every other power and authority it does possess, DOES HEREBY LAYOUT AND ACCEPT AS A TOWN WAY AND TAKE BY EMINENT DOMAIN for roadway purposes: The following land shown on definitive subdivision, approved under the subdivision control law by Franklin Planning Board on December 6, 2004, and recorded in the Norfolk County Registry of Deeds in Plan Book 586 Pages 16 and 31." (the "Subdivision Plan"), and also shown on the street acceptance plans entitled "Michael Road Street Acceptance Plan for Land Located in the Town of Franklin, Massachusetts" prepared by Dunn-McKenzie, Inc., 206 Dedham Street, Rt. 1A at Rt. 115, Norfolk, MA, dated June 10, 2016 to be recorded herewith.

Fee Interest in Roadway

Michael Road, for its entire length

Related Interests in Land

Also, the following interests in land shown on the above-described plan:

Thirty-foot wide drainage easement running across the rear of Lot #3

3. The Town Treasurer and Town Comptroller are directed and the Town Administrator is directed and authorized to do all things and to execute all documents necessary for the prompt payment of the amount of damages awarded in this Order of Taking, so that the same shall be payable within sixty (60) days after right to damages becomes vested in the person from whom the property was taken. The Town Administrator is further directed to direct the Town Attorney for and on behalf of the Town Council to give notice of this taking and pertinent information to every person entitled thereto in accordance with the provisions of Massachusetts General Laws Chapter 79, Sections 7B, 7C, 7F, 7G, 8A and 8B.
4. This Order of Layout, Acceptance, and Taking confirms Town's Acceptance of above-referenced Steven P. Clement, Trustee's deed dated January 5, 2018 and Kenneth M. Brown's and Kara L. Brown's Grant of Easement dated January 3, 2018 and makes clear the Town of Franklin's title to the above-described parcels of land which said instruments conveyed to the Town of Franklin.

This Resolution shall become effective according to the rules and regulations of the Town of Franklin Home Rule Charter.

DATED: _____, **2019**

VOTED:

UNANIMOUS _____

A True Record Attest:

YES _____ **NO** _____

ABSTAIN _____

Teresa M. Burr
Town Clerk

ABSENT _____

Glenn Jones, Clerk
Franklin Town Council

| PARCEL ID | Location | TOWN OF FRANKLIN | BRIELLE WAY & MICHAEL RD EXT street acceptance | City | State | Zip |
|-----------------|---------------|---------------------|--|----------|-------|-------|
| 334-007-001-000 | MICHAEL RD | OWNER | CO-OWNER | FRANKLIN | MA | 02038 |
| 334-007-002-000 | 16 MICHAEL RD | GEORGE ALLISON B | GEORGE LANCE M | FRANKLIN | MA | 02038 |
| 334-007-003-000 | 6 BRIELLE WAY | BAKER DEAN C | BAKER JEANNE L | FRANKLIN | MA | 02038 |
| 334-007-004-000 | 24 MICHAEL RD | PANELLA DAVID A TR | PANELLA MICHAEL REALTY TRUST | FRANKLIN | MA | 02038 |
| 334-007-005-000 | 25 MICHAEL RD | DILLON WILLIAM R JR | DILLON TOBEY | FRANKLIN | MA | 02038 |
| 334-007-006-000 | 21 MICHAEL RD | COPPE JUSTIN K | COPPE DEBORAH | FRANKLIN | MA | 02038 |
| 334-007-007-000 | MICHAEL RD | CLEMENT STEVEN P TR | K & J REALTY TRUST | FRANKLIN | MA | 02038 |
| 334-007-008-000 | 15 MICHAEL RD | BROWN KENNETH M | BROWN KARAL | WRENTHAM | MA | 02093 |
| 335-005-002-000 | MICHAEL RD | CLEMENT STEVEN P TR | K & J REALTY TRUST | FRANKLIN | MA | 02038 |
| 335-005-003-000 | 2 BRIELLE WAY | CRANDALL BRIAN J | CRANDALL ERIN K | WRENTHAM | MA | 02093 |
| 335-005-004-000 | 5 BRIELLE WAY | DRAPER WILLIAM F | DRAPER ANGELA C | FRANKLIN | MA | 02038 |
| 335-005-004-000 | 1 BRIELLE WAY | SHERLOCK COURTNEY P | MILLER JONATHAN | FRANKLIN | MA | 02038 |

Erin M. Doyle, 12-17-2018

January 4, 2019

Milford Daily News
159 S. Main Street
Milford, MA 01757

Attention: LEGAL NOTICES DEPT.

PLEASE ADVERTISE -- Once in the Legal Ads Section on Tuesday, January 15, 2019.

**NOTICE OF PUBLIC HEARING
FRANKLIN, MA**

Pursuant to Chapter 163 of the Legislative Acts of 2011, the Franklin Town Council will hold a public hearing on Wednesday evening, January 30, 2019 at 7:10 p.m. in the Council Chambers located on the second floor of the Franklin Municipal Building, 355 East Central Street, Franklin, MA to determine whether it is in the public interest to accept the following named roads as public ways:

Brielle Way
Michael Road (Extension)
White Dove Road
Mockingbird Drive
Blue Jay Street
Paddock Lane
Palomino Drive
Derby Lane
Canter Lane
Padula Drive

Please contact The Town Administrator's Office at 508-520-4949 if you require further information or if you need to make arrangements to provide translation services for the hearing impaired or for person with language barriers.

Submitted by,
Chrissy Whelton

Send 1 tear sheet

Chrissy Whelton
Town Administrator's Office
355 East Central Street
Franklin, MA 02038
(508) 553-4890