



Sponsor: Administration

TOWN OF FRANKLIN

RESOLUTION 16-53

SETTLEMENT OF CLAIM RELATING TO TOWN-OWNED TAX TITLE LAND ON PLAIN STREET

WHEREAS, Town acquired by tax title a parcel of unimproved land located on the southerly side of Plain Street containing approximately four and a half acres, and

WHEREAS, Town had a plan prepared which subdivided said parcel into Lot 1 containing 56,528 square feet more or less and Parcel A containing 3.17 acres, more or less, and

WHEREAS, Town Council, by Resolution 06-71, authorized the conveyance of Lot 1 to the Franklin Housing Authority to construct and operate a public housing facility and, the Town Administrator, acting pursuant to said resolution, conveyed Lot 1 to the Franklin Housing Authority by deed dated October 15, 2014 and recorded at Norfolk County Registry of Deeds in Book 33476 at Page 315, and

WHEREAS, Town has retained ownership of "Parcel A", the remaining land, but has not and is not making use of said land for any municipal purpose, and

WHEREAS, an individual named Hampton Bagdasarian ("Bagdasarian") has come forward claiming that Town's tax taking was defective by reason of lack of notice to an individual named Kirkor Stepanian, one of the original property owners of the parcel and that, as a result, Bagdasarian, as the sole heir of Kirkor Stepanian, has an ownership interest in said parcel, and

WHEREAS, Bagdasarian, through his attorney, has entered into negotiations with attorneys for Town and the Franklin Housing Authority to resolve his claim by giving him title to "Parcel A" and providing him with monetary compensation, and

WHEREAS, Franklin Town Council, by Resolution 16-42, has already authorized payment of monetary compensation to Bagdasarian of sixty-two thousand, five hundred dollars in settlement of his claim, and by Resolution 16-52 has authorized an additional eighteen thousand dollars to resolve outstanding back taxes, and

WHEREAS, the attorneys for Bagdasarian, Town and the Franklin Housing Authority are in general agreement upon the terms and conditions of a proposed final settlement which are contained in the document captioned "Settlement Agreement", a copy of which is attached hereto as "Exhibit 1", but are still negotiating final details.

NOW THEREFORE, the Town of Franklin, acting by and through its Town Council:

1. Authorizes the final settlement of the above-described matter upon the terms and conditions contained in the document captioned "Settlement Agreement", a copy of which is attached hereto as "Exhibit 1" including, without limitation, Land Court's partial vacating of judgment as relates to "Parcel A", only, and authorizes the Town Administrator to execute said document once it is finalized; the Town Administrator is specifically authorized to agree to revision(s) to "Exhibit 1" which he deems either to be necessary to protect Town's interests or not to be substantive.
2. Authorizes the Town Administrator to execute any other documents and to take any and all other action, which he deems necessary or to be in Town's best interests, to implement the terms and conditions of "Settlement Agreement" and/or the final settlement of the above-described matter.

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

DATED: _____, 2016

VOTED:

UNANIMOUS _____

A True Record Attest:

YES _____ **NO** _____

ABSTAIN _____

Teresa M. Burr
Town Clerk

ABSENT _____

Judith Pond Pfeffer, Clerk
Franklin Town Council