



TOWN AND COUNTY OF NANTUCKET

16 Broad Street
Nantucket, Massachusetts 02554

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*AGENDA FOR THE MEETING OF THE
COUNTY COMMISSIONERS
APRIL 24, 2019 - 6:00 PM
PUBLIC SAFETY FACILITY COMMUNITY ROOM
4 FAIRGROUNDS ROAD
NANTUCKET, MASSACHUSETTS*

- I. CALL TO ORDER*
- II. ELECTION OF OFFICERS*
- III. ANNOUNCEMENTS*
 1. The County Commission Meeting is Being Video/Audio Recorded.
- IV. PUBLIC COMMENT**
- V. NEW BUSINESS**
- VI. APPROVAL OF MINUTES AND WARRANTS*
 1. Approval of Minutes of March 27, 2019 at 6:00 PM.
 2. Approval of Payroll and Treasury Warrants for April 2019.
- VII. PUBLIC HEARINGS*
 1. Public Hearing to Consider the Taking of Permanent Sidewalk and Roadway Easements, as Authorized by MGL Chapter 79 (Continued from January 30, 2019; March 27, 2019):
 - a) A Permanent Sidewalk Easement over 20 Straight Wharf, Shown as Lot 1 on Land Court Plan No. 10222-B, and Shown as "Easement #1, Proposed Sidewalk Easement Area - 211 S.F.±," on Plan Entitled "Easement Plan in Nantucket, Mass. Prepared for the Town of Nantucket, Map 42.3.1, Parcel 86," Prepared by Bracken Engineering, Inc., Dated October 8, 2018, for Purposes of Construction, Maintenance, Repair and Replacement of the Sidewalk and for Access Over Said Sidewalk.

- b) A Permanent Roadway Easement over Straight Wharf, Shown as Lot 20 on Land Court Plan No. 10222-E, and Shown as "Easement #2, Proposed Roadway Easement Area - 619 S.F. ±," on Plan Entitled "Easement Plan in Nantucket, Mass. Prepared for the Town of Nantucket, Map 42.3.1, Parcel 86," Prepared by Bracken Engineering, Inc., Dated October 8, 2018, for all Roadway Purposes Including but not Limited to Passage, Installation and Maintenance of Sewers, Drainage and other Public Utilities.

VIII. OFFICIAL BUSINESS

IX. COMMISSIONERS REPORTS/COMMENTS

X. ADJOURNMENT

**Identified on Agenda Protocol Sheet.*

County Commission Agenda Protocol:

- *Roberts Rules. The County Commission follows Roberts Rules of Order to govern its meetings as per the Town Code and Charter.*
- *Public Comment. Public Comment is for bringing matters of public interest to the attention of the Commission. The Commission welcomes concise statements on matters that are within the purview of the County Commission. At the Commission's discretion, matters raised under Public Comment may be directed to County Administration or may be placed on a future agenda, allowing all viewpoints to be represented before the Commission takes action. Except in emergencies, the Commission will not normally take any other action on Public Comment. Any personal remarks or interrogation or any matter that appears on the regular agenda are not appropriate for Public Comment.*
- *New Business: For topics not reasonably anticipated 48 hours in advance of the meeting.*
- *Public Participation. The Commission welcomes valuable input from the public at appropriate times during the meeting with recognition by the Chair. For appropriate agenda items, the Chair will introduce the item and take public input. Individual Commissioners may have questions on the clarity of information presented. The Commission will hear any staff input and then deliberate on a course of action.*
- *Commissioner Report and Comment. Individual Commissioners may have matters to bring to the attention of the Commission. If the matter contemplates action by the Commission, Commissioners will consult with the Chair and/or County Manager in advance and provide any needed information by the Thursday before the meeting. Otherwise, except in emergencies, the Commission will not normally take action on Commissioner Comment.*

COMMONWEALTH OF MASSACHUSETTS
COUNTY OF NANTUCKET

**ORDER OF TAKING BY EMINENT DOMAIN
FOR STRAIGHT WHARF SIDEWALK AND ROADWAY EASEMENTS**

The undersigned, being the majority of the duly elected and serving members of the County Commissioners (the "Commissioners") for the County of Nantucket (the "County"), acting by authority of Massachusetts General Laws Chapter 79, as amended, and Article I, Section 1.3 of the Nantucket County Charter, St. 1996, c. 290, § 4, and by virtue of every other power and authority hereto enabling us, having complied with all of the preliminary requirements prescribed by law and having determined at a meeting held on _____, do hereby adopt and decree this Order and take from their supposed owners (and their successors, heirs and assigns, as their interests may appear), by the power of eminent domain, easements in, on and under portions of the land located at 20 Straight Wharf, Nantucket, Massachusetts and shown as Lot 1 on Land Court Plan No. 10222-B and Lot 20 on Land Court Plan No. 10222-E (the "Property"), described as follows: (1) a permanent easement in, on and under a portion of the Property shown as "Easement #1 Proposed Sidewalk Easement Area = 211 s.f. ±" (the "Sidewalk Easement Area") on the plan attached hereto entitled "Easement Plan in Nantucket, Mass. Prepared for the Town of Nantucket, Map 42.3.1, Parcel 86," prepared by Bracken Engineering, Inc. dated October 8, 2018 (the "Easement Plan") for the construction, inspection, maintenance, repair, replacement and relocation of public sidewalks and use of said sidewalk, including use thereof by members of the public, for all purposes for which sidewalks may be used in the County and Town of Nantucket; and (2) a permanent easement in, on and under a portion of the Property shown as "Easement #2 Proposed Roadway Easement Area = 619 s.f.± (the "Roadway Easement") shown on said Easement Plan for any and all purposes for which public ways are used in the Town and County of Nantucket and for any and all uses and purposes necessary or incidental thereto, including but not limited to passage, installation and maintenance of sewer, drainage and other public utilities and including use by members of the public.

Any and all trees, vegetation, structures and improvements on the Sidewalk Easement Area and the Roadway Easement Area are included in this Order. This taking does not include any utilities, including, without limitation, electric, telephone, cable television and gas utilities, located within the Property.

The County shall have the right of entry upon and passage over the Sidewalk Easement Area and Roadway Easement Area from time to time and at any time by foot and vehicles for the purposes set forth herein and all use necessary or incidental thereto.

The Property subject to the foregoing easements is owned or supposed to be owned and/or formerly owned by the following parties, which parties are hereinafter collectively referred to as Owners.

Supposed Owner: 20 Straight Wharf LLC

Property Address: 20 Straight Wharf, Nantucket, MA

Assessors Map 42.3.1, Parcel 86

Interests Taken: Permanent sidewalk easement and permanent roadway easement

Deed Reference: Certificate of Title No. 24276 filed with Nantucket Registry District of the Land Court

If in any instance the name of any Owner is not correctly stated, the names of the supposed Owners being given as of this Order of Taking, it is understood that in such instance said Premises land is owned by an Owner or Owners unknown to us.

The damages sustained by the supposed Owner listed above by reason of this taking of easements in and to the Premises are valued and awarded in a resolution of even date adopted by the Commissioners in accordance with Massachusetts General Law Chapter 79, as amended. The amount awarded as damages to the Owner are set forth on the attached Exhibit A, attached hereto and incorporated herein, but which shall not be filed with said Registry District of the Land Court.

[Signature page follows]

Adopted under seal this ____ day of _____, 2019.

COUNTY OF NANTUCKET,
BY ITS COUNTY COMMISSIONERS

Jason Bridges

Matthew G. Fee

Kristie L. Ferrantella

Rita Higgins

Dawn E. Hill Holdgate

COMMONWEALTH OF MASSACHUSETTS

Nantucket County, ss

On this ____ day of _____, 2019, before me, the undersigned notary public, personally appeared, Jason Bridges, Matthew G. Fee, Kristie L. Ferrantella, Rita Higgins and Dawn E. Hill Holdgate, members of the County Commissioners of the County of Nantucket, proved to me through satisfactory evidence of identification, which was personal knowledge of the undersigned, to be the persons whose names are signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose on behalf of the County of Nantucket.

Notary Public
My commission expires:

EXHIBIT A

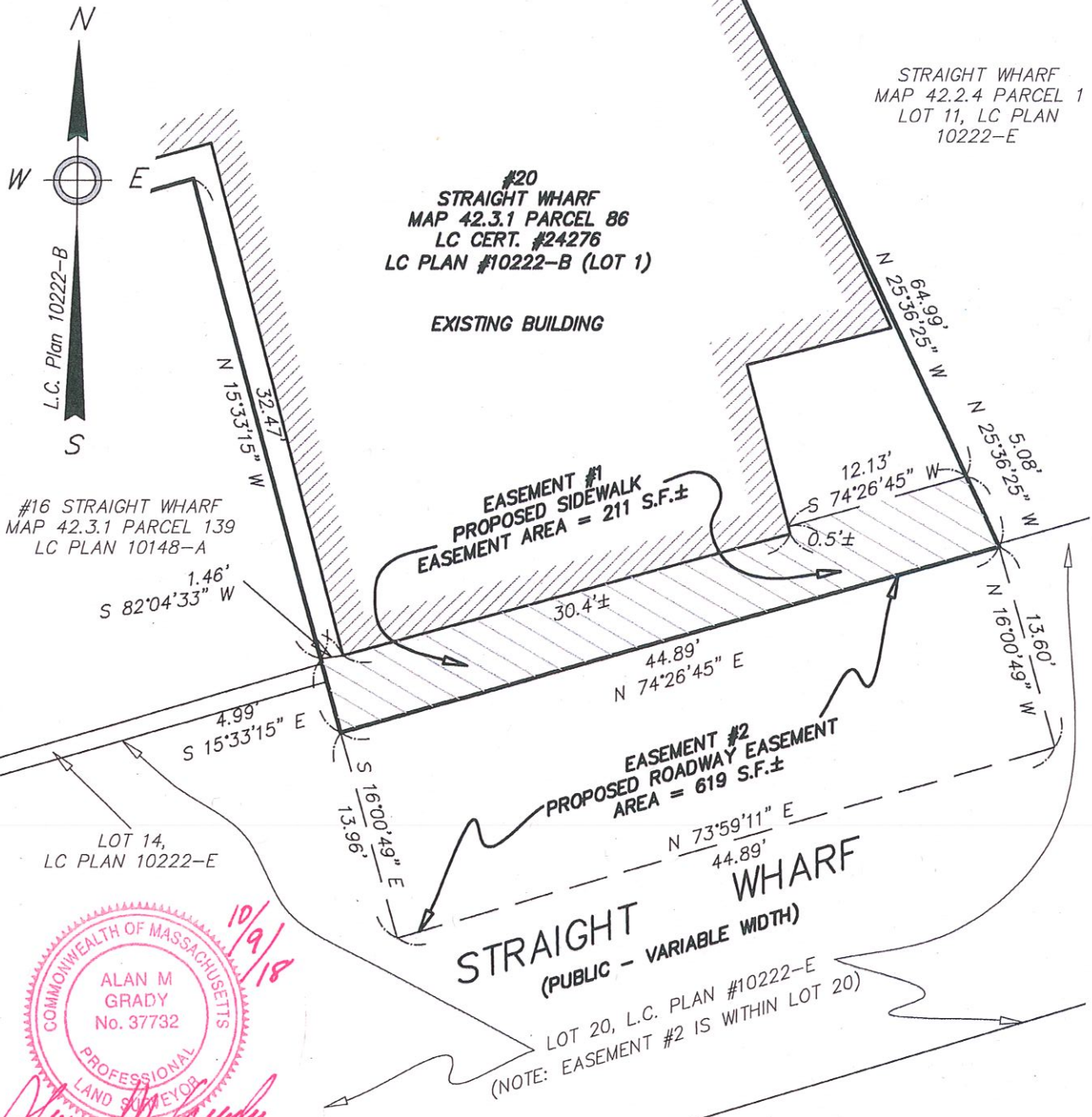
Schedule of Damages

<u>Parcel</u>	<u>Assessor ID</u>	<u>Supposed Owner(s)</u>	<u>Location</u>	<u>Damages Awarded</u>
Sidewalk Easement Area and roadway Easement Area	Map 42.3.1, Parcel 86	Straight Wharf LLC	20 Straight Wharf	\$125,000.00

STRAIGHT WHARF
 MAP 42.2.4 PARCEL 1
 LOT 11, LC PLAN
 10222-E

#20
 STRAIGHT WHARF
 MAP 42.3.1 PARCEL 86
 LC CERT. #24276
 LC PLAN #10222-B (LOT 1)

EXISTING BUILDING

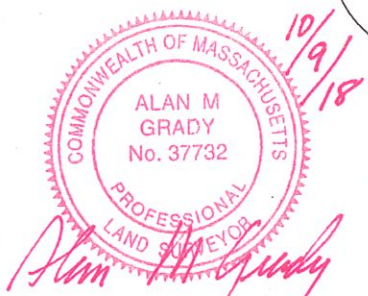


#16 STRAIGHT WHARF
 MAP 42.3.1 PARCEL 139
 LC PLAN 10148-A

LOT 14,
 LC PLAN 10222-E

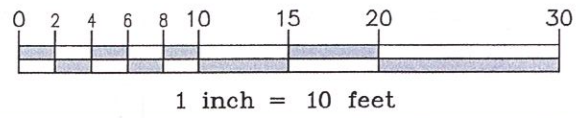
STRAIGHT WHARF
 (PUBLIC - VARIABLE WIDTH)

LOT 20, L.C. PLAN #10222-E
 (NOTE: EASEMENT #2 IS WITHIN LOT 20)



1. OWNER: 20 STRAIGHT WHARF LLC
2. DEED REF: L.C. CERT. # 24276
3. PLAN REF: L.C. PLAN # 10222-B (LOT 1)
4. THIS PLAN WAS PREPARED USING PLANS OF RECORD AND IS NOT THE RESULT OF A FIELD SURVEY.

PLAN SCALE



EASEMENT PLAN
 IN
NANTUCKET, MASS.
 PREPARED FOR
THE TOWN OF NANTUCKET
 MAP 42.3.1 PARCEL 86
 PREPARED BY
BRACKEN ENGINEERING, INC.

19 OLD SOUTH ROAD
 NANTUCKET, MA 02554
 tel: (508) 325-0044
 fax: (508) 833-2282

SCALE: 1" = 10' OCT. 8, 2018