

**CITY OF SALEM****AUGUST 16, 2018****SPECIAL MEETING OF THE CITY COUNCIL**

A Special Meeting of the City Council was held in City Council Chambers on August 16, 2018 at 6:30 P.M. for the purpose of taking action on certain matters relative to the Shared Use Bike Path along Canal Street and taking action on certain matters relative to the Community Life Center.

The following six (6) Orders below pertain to the Shared Bike Path:

- 1) Order dedicating City-owned land at 260 Canal Street for the purpose of installing, operating, maintaining and using the land as a publicly-owned, improved and maintained corridor for bicycle, pedestrian and other nonmotorized public transportation, recreation and associated purposes.
- 2) Order authorizing the Mayor to execute a 99-year Alternative Transportation Corridor Lease Agreement by and between Massachusetts Bay Transportation Authority and the City of Salem of land comprising or adjacent to a portion of a railroad right of way known as the East Route Main Line in the City of Salem, Essex County, Massachusetts.
- 3) Order accepting the gift of two Easements, shown on the attached plan entitled "142 Canal Street Easement Plan of Land located in Salem, Massachusetts," dated August 10, 2018" from Canal Street Realty Development LLC (hereinafter "Grantor") and authorizing the Mayor, on behalf of the City of Salem, to execute an Easement Agreement by and between the Grantor and the City of Salem so the City may construct a multi-use path for the purpose of providing pedestrian and bicycle access to and from the multi-use path and for the purpose of constructing drainage systems within the Easement Areas from the multi-use path to the existing municipal drainage system.
- 4) Order accepting the gift of an Easement shown on the attached sketch plan labeled as "Parcel PUE-3 142 Canal Street Nom Trust," from Canal Street Realty Development LLC (hereinafter "Grantor") and authorizing the Mayor, on behalf of the City of Salem, to execute an Easement Agreement by and between the Grantor and the City of Salem so the City may construct a multiuse path for the purpose of providing pedestrian and bicycle access to and from the multi-use path and for the purpose of constructing drainage systems within the Easement Areas from the multi-use path to the existing municipal drainage system.

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5) Order accepting the gift of an Easement, shown as "Access Easement" on the attached plan, sheet 9 of 13, entitled "Layout Plan" from Canal Street Warehouse LLC (hereinafter "Grantor") and authorizing the Mayor, on behalf of the City of Salem, to execute an Easement Agreement by and between the Grantor and the City of Salem so the City may construct a multi-use path for the purpose of providing pedestrian and bicycle access to and from the multi-use path and for the purpose of constructing drainage systems within the Easement Area from the multi-use path to the existing municipal drainage system.

6) Order that the Mayor, on behalf of the City is hereby authorized to execute an agreement with Canal Street Warehouse LLC and Canal Street Realty Development LLC (collectively "LLCs") which provides that in the event the LLC's are not able to obtain a satisfactory easement from the MBTA or in the event the MBTA elects to terminate said easement, then the easements granted to the City by the LLCs for the Canal Street Bike Path Phase 2 may be terminated.

The following two (2) Orders below pertain to the Community Life Center:

1) Order that the sum of Six Hundred Twenty-Seven Thousand, Three Hundred and Eighty-Six Dollars (\$627,386.00) is hereby appropriated from the "Stabilization Fund" to the "Capital Improvement Fund 3813 – Community Life Center".

2) Order that the sum of Seventy Thousand Dollars (\$70,000.00) is hereby appropriated within the "Sale of Property" account to be expended for the upgrades to the Mayor Jean Levesque Community Life Center.

Notice of this meeting was posted on August 14, 2018 at 12:06 P.M.

Absent was Councillor Christine Madore (excused)

Council President Beth Gerard presided.

**CITY OF SALEM****AUGUST 16, 2018****SPECIAL MEETING OF THE CITY COUNCIL****#518 - THE CITY OF SALEM HEREBY DEDICATES CITY-OWNED LAND AT 260 CANAL STREET FOR A BIKE PATH**

The following Order recommended by the Mayor was adopted.

ORDERED: That the Salem City Council hereby dedicates City-owned land at 260 Canal Street, Assessor's Map 32-0032, and described in a deed to the City of Salem recorded in the Southern Essex District Registry of Deeds in Book 13827, Page 596 for the purpose of installing, operating, maintaining and using the land as a publicly-owned, improved and maintained corridor for bicycle, pedestrian and other non-motorized public transportation, recreation and associated purposes.

Councillor Turiel Moved immediate reconsideration in the hopes it does not prevail. Reconsideration was denied.

**#519 – AUTHORIZE THE MAYOR TO EXECUTE A 99 YEAR ALTERNATIVE TRANSPORTATION CORRIDOR LEASE AGREEMENT WITH THE MBTA**

The following Order recommended by the Mayor was adopted by a roll call vote of 10 yeas, 0 nays and 1 absent. Councillors Dibble, Dominguez, Flynn, Furey, McCarthy, Milo, Peterson, Sargent, Turiel and Gerard were all recorded as voting in the affirmative. Councillor Madore was recorded as absent.

ORDERED: The Mayor is hereby authorized, on behalf of the City of Salem, to execute a 99-year Alternative Transportation Corridor Lease Agreement, a copy of which is attached hereto, by and between Massachusetts Bay Transportation Authority and the City of Salem of land comprising or adjacent to a portion of a railroad right of way known as the East Route Main Line in the City of Salem, Essex County, Massachusetts. Upon the leased premises, the City shall install, operate, maintain and use a corridor of land as the Canal Street Rail Trail Phase 2. The "rail trail" is defined in Massachusetts General Laws Chapter 82, Section 35A as "property converted from the former use as a railroad right-of-way to a use as a publicly-owned, improved and maintained corridor for bicycle, pedestrian and other non-motorized public transportation, recreation and associated purposes." The City shall incur no cost for the lease of the land.

Councillor Turiel Moved immediate reconsideration in the hopes it does not prevail. Reconsideration was denied.

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**#520 – TO ACCEPT TWO EASEMENTS FROM CANAL ST. REALTY DEVELOPMENT TO CONSTRUCT A MULTI USE PATH AND DRAINAGE SYSTEMS WITHIN THE EASEMENT AREAS**

The following Order recommended by the Mayor was adopted.

ORDERED: That the City of Salem hereby accepts the gift of two Easements, shown on the attached plan entitled “142 Canal Street Easement Plan of Land located in Salem, Massachusetts,” dated August 10, 2018” (hereinafter the “Plan”)from Canal Street Realty Development LLC, a Massachusetts limited liability company having a principal place of business at 50 Dodge Street, Beverly, Massachusetts and owner of a parcel of land known as and numbered 138-142 Canal Street, Salem, Massachusetts and more particularly described in a deed recorded with Essex South District Registry of Deeds in Book 36173, Page 602 (hereinafter the “Grantor”)

Be It Further ORDERED that the Mayor is hereby authorized, on behalf of the City of Salem, to execute an Easement Agreement by and between the Grantor and the City of Salem, a copy of which is attached hereto, so the City may construct a multi-use path for the purpose of providing pedestrian and bicycle access to and from the multi-use path as shown on said Plan and for the purpose of constructing drainage systems within the Easement Areas from the multi-use path to the existing municipal drainage system.

Councillor Turiel Moved immediate reconsideration in the hopes it does not prevail. Reconsideration was denied.

**#521 – TO ACCEPT THE GIFT AN EASEMENTS FROM CANAL ST. REALTY DEVELOPMENT (PARCEL PUE-3 142 CANAL STREET NOM TRUST TO CONSTRUCT A MULTI USE PATH AND DRAINAGE SYSTEMS**

The following Order recommended by the Mayor was adopted.

ORDERED: That the City of Salem hereby accepts the gift of an Easement, shown on the attached sketch plan labeled as “Parcel PUE-3 142 Canal Street Nom Trust,” from Canal Street Realty Development LLC, a Massachusetts limited liability company having a principal place of business at 50 Dodge Street, Beverly, Massachusetts and owner of a parcel of land known as and numbered 138-142 Canal Street, Salem,

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Massachusetts and more particularly described in a deed recorded with Essex South District Registry of Deeds in Book 36173, Page 602 (hereinafter the "Grantor")

Be It Further ORDERED that the Mayor is hereby authorized, on behalf of the City of Salem, to execute an Easement Agreement by and between the Grantor and the City of Salem, a copy of which is attached hereto, so the City may construct a multi-use path for the purpose of providing pedestrian and bicycle access to and from the multi-use path as shown on said Plan and for the purpose of constructing drainage systems within the Easement Areas from the multi-use path to the existing municipal drainage system.

Councillor Turiel Moved immediate reconsideration in the hopes it does not prevail. Reconsideration was denied.

**#522 – TO ACCEPT THE GIFT OF AN EASEMENTS SHOWN AS "ACCESS EASEMENT FROM CANAL ST. WAREHOUSE TO CONSTRUCT A MULTI USE PATH AND DRAINAGE SYSTEMS**

The following Order recommended by the Mayor was adopted.

ORDERED: That the City of Salem hereby accepts a gift of an Easement, shown as "Access Easement" on the attached plan, sheet 9 of 13, entitled "Layout Plan" (hereinafter the "Easement Area") from Canal Street Warehouse LLC, a Massachusetts limited liability company having a principal place of business at 50 Dodge Street, Beverly, Massachusetts and owner of a parcel of land known as and numbered 132-134 Canal Street, Salem, Massachusetts and more particularly described in a deed recorded with Essex South District Registry of Deeds in Book 36173, Page 673 (hereinafter the "Grantor").

Be It Further ORDERED that the Mayor is hereby authorized, on behalf of the City of Salem, to execute an Easement Agreement by and between the Grantor and the City of Salem, a copy of which is attached hereto, so the City may construct a multi-use path for the purpose of providing pedestrian and bicycle access to and from the multi-use path as shown on said Plan and for the purpose of constructing drainage systems within the Easement Area from the multi-use path to the existing municipal drainage system.

Councillor Turiel Moved immediate reconsideration in the hopes it does not prevail. Reconsideration was denied.

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**#523 – AUTHORIZE THE MAYOR TO EXECUTE AN AGREEMENT WITH CANAL STREET WAREHOUSE AND CANAL STREET REALTY DEVELOPMENT THAT EASEMENTS GRANTED MAY BE TERMINATED BY THE L.L.C.S**

The following Order recommended by the Mayor was adopted.

ORDERED: That the Mayor, on behalf of the City is hereby authorized to execute an agreement with Canal Street Warehouse LLC and Canal Street Realty Development LLC (collectively “LLCs”) which provides that in the event the LLC’s are not able to obtain a satisfactory easement from the MBTA or in the event the MBTA elects to terminate said easement, then the easements granted to the City by the LLCs for the Canal Street Bike Path Phase 2 may be terminated.

Councillor Turiel Moved immediate reconsideration in the hopes it does not prevail. Reconsideration was denied.

**#524 – APPROPRIATION OF \$627,386.00 FROM THE STABILIZATION FUND TO THE CAPITAL IMPROVEMENT FUND FOR THE COMMUNITY LIFE CENTER**

The following Order recommended by the Mayor was referred to the Committee on Administration and Finance co-posted with the Committee of the Whole.

ORDERED: That the sum of Six Hundred Twenty-Seven Thousand, Three Hundred and Eighty-Six Dollars (\$627,386.00) is hereby appropriated from the “Stabilization Fund” to the “Capital Improvement Fund 3813 – Community Life Center” in accordance with the recommendation of Her Honor the Mayor.

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**#525 – APPROPRIATION OF \$70,000.00 FROM WITHIN THE “SALE OF PROPERTY” ACCOUNT TO BE EXPENDED FOR THE UPGRADES TO THE COMMUNITY LIFE CENTER**

The following Order recommended by the Mayor was referred to the Committee on Administration and Finance co-posted with the Committee of the Whole.

ORDERED: That the sum of Seventy Thousand Dollars (\$70,000.00) is hereby appropriated within the “Sale of City Property” account to be expended for the upgrades to the Mayor Jean Levesque Community Life Center in accordance with the recommendation of Her Honor the Mayor.

On the Motion of Councillor Furey the meeting adjourned at 6:50 P.M.

ATTEST:

ILENE SIMONS  
CITY CLERK