



CITY OF CHICOPEE
MASSACHUSETTS

M/SM-1

AA

Bk 17932 Pg 410 #52784

08-10-2009 @ 02:58p

An Order authorizing the Mayor to sell 57.461 acres of vacant land in the City of Chicopee as described in the attached order.

Recommended By Michael A. Brunetti, Mayor

Aldermanic Action: 12/30/08: Motion made by Alderman Brunetti for passage. Passed through all stages by unanimous roll call vote.

A true copy Attest:

City Clerk

Presented to the Mayor for Approval..... JAN 05 2009
Date
Approved..... 1/6/09
Date
Returned to City Clerk..... JAN 06 2009
Date
Attest..... City Clerk

CITY OF CHICOPEE

AN ORDER AUTHORIZING THE MAYOR TO SELL CERTAIN LAND OF THE CITY OF CHICOPEE

WHEREAS, the Board of Aldermen of the City of Chicopee is desirous of expanding the City's tax base and increasing employment opportunities for the City's citizenry; and

WHEREAS, the City of Chicopee seeks to put its municipally owned real property to its highest and best use; and

WHEREAS, the City of Chicopee has been notified that certain undeveloped land owned in the City of Chicopee is located within an area covered by the Federal Aviation Administration's (FAA) funded noise mitigation program for Westover Metropolitan Airport and a fair market appraisal has determined the value of the City owned property at \$1,450,000.00; and

WHEREAS, the Westover Metropolitan Development Corporation (WMDC) has been authorized by the FAA to acquire certain City of Chicopee property in fee simple title in order to accomplish the goals of the noise mitigation program, namely to minimize the disruption in the community by airport noise and shall ensure that all future development shall be compatible to its proximity to the Westover Metropolitan Airport and shall not be developed for housing. WMDC has made an offer to purchase certain land from the City of Chicopee; and

WHEREAS, Massachusetts General Laws, chapter 30B sets forth the procedural requirements for the City's disposition of real property. Section 16(i) of said statute permits the disposition of real property between governmental bodies without the requirement of public bidding; and

WHEREAS, WMDC, by its enabling legislation, c. 672 Acts of 1974, was created as a body politic and further section 9 of the enabling legislation identifies the real estate and tangible personal property of the corporation as public property used for essential and governmental purposes, subject only to the obligation of proposing an Economic Development Plan prior to the development of any such land; and

WHEREAS, the City of Chicopee desires to declare the property surplus and sell it to WMDC at its appraised value.

NOW THEREFORE, in consideration of the foregoing and by virtue of and in exercise of the power conferred by the City Charter and the General Laws of the Commonwealth of Massachusetts it is hereby ordered:

1. That the following named property be declared surplus pursuant to M.G.L. c. 40 section 15A.

2. That the Mayor of the City of Chicopee be and is hereby authorized to sell, subject to the disposition requirements of M.G.L. c. 30B to WMDC the following named property to WMDC for the sum of \$1,450,000.00:

Location of the Real Property: South of Westover Metropolitan Airport and north of Massachusetts Turnpike with access via Slate Road

Description of the Real Property: 57.461 acres of vacant land

Title Reference: Hampden County Registry of Deeds;

42.652 acres, Book 1756, Page 369

12.461 acres, Book 11822, Page 286

1.828 acres, Book 2150, Page 564

.52 acres, Book 5203, Page 60

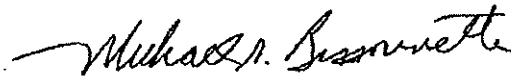
Interest in the Property to be Acquired: Fee-simple

Current Use: Vacant land

Current Zoning: Residence A and IPUD

Building Improvements Included: None

3. That the Mayor be further authorized to sign any and all documents necessary to effectuate said sale, including, but not limited to a purchase and sale agreement and deed.



Michael D. Bissonnette, Mayor

DONALD E. ASHE, REGISTER
HAMPDEN COUNTY REGISTRY OF DEEDS

Parcel A (see plan 355-59)

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WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS that the CITY OF CHICOPEE, a municipal corporation duly organized under the laws of the Commonwealth of Massachusetts and having its usual place of business at City Hall, 274 Front Street, Chicopee, Hampden County, Massachusetts,

for consideration of One Million Four Hundred Fifty Thousand and 00/100 Dollars (\$1,450,000.00)

grants to WESTOVER METROPOLITAN DEVELOPMENT CORPORATION, a body politic and corporate organized pursuant to Chapter 672 of the Acts of 1974 of the Commonwealth of Massachusetts, having a principal place of business located at 255 Padgette Street, Chicopee, Massachusetts 01022

with WARRANTY COVENANTS

A certain parcel of land containing approximately 57.462 acres and shown as Parcel A (Includes Lots 1, 2 & 3) on a plan entitled "Plan of Land in Chicopee, MA prepared for Westover Metropolitan Development Corporation", dated June 24, 2009 and prepared by Sherman & Frydryk, Land Surveying and Engineering, 3 Converse Street, Suite 203, Palmer, MA 01069, said plan being recorded with the Hampden County Registry of Deeds prior hereto in Plan Book 355, Page 59 ("Plan").

As to the portion of the property designated as Lot 1 on said Plan:

SUBJECT TO travel rights and sewer rights reserved in the deed dated July 24, 1981 and recorded in Book 5203, Page 60.

SUBJECT TO and together with rights affecting a 50-foot right of way as reserved in the devise to Stanley Boron from the will of Katarzyna Boron—see Hampden County Registry of Probate, Case #133767, and recited in the deed recorded in Book 3971, Page 203.

SUBJECT TO a twelve-foot right of way along the westerly side of the property as set forth in the deed to Frank Boron and Katarzyna Boron dated August 30, 1926 and recorded in Book 1336, Page 270.

As to the portion of the property designated as Lot 2 on said Plan:

The Grantor hereby reserves a 50' wide electrical easement as shown on said Plan.

As to the portion of the property designated as Lot 3 on said Plan:

SUBJECT TO an easement to Western Massachusetts Electric Company by instrument recorded in said Registry in Book 1321, page 47.

The Grantor hereby reserves a water line easement as shown on said Plan.

BEING the same premises as conveyed or taken by the grantor herein as follows:

AS TO LOT 1 ON SAID PLAN—Slate Road: Being the same premises granted to the City of Chicopee by a deed of Adolf Boron and Geraldine A. Boron, dated July 24, 1981 and recorded with the Hampden County Registry of Deeds in Book 5203, Page 60.

AS TO LOT 2 ON SAID PLAN—Buena Vista Lot: Being the same premises: 1) Taken by the City of Chicopee as recorded with the Hampden County Registry of Deeds as "On File", being Document #11986, as confirmed by deed of Mary J. Hamilton, dated February 5, 1916 and recorded with said Registry in Book 950, Page 63; 2) Taken by the City of Chicopee by a Tax Taking recorded in said Registry in Book 1545, Page 180, as affected by Final Decree of Land Court recorded in said Registry in Book 1756, Page 311; and 3) Excepting from the foregoing so much as was conveyed to the Commonwealth of Massachusetts by deed recorded in said Registry in Book 2796, Page 295.

AS TO LOT 3 ON SAID PLAN—Fuller Road (Rear): Being the same premises: 1) owned by the City of Chicopee pursuant to a Final Judgment in Tax Lien Case, #102545 T.L., recorded with the Hampden County Registry of Deeds in Book 11822, Page 276. Also see Book 3726, Page 61; and 2) granted to the City of Chicopee by a deed of Anna Smagacz, dated November 30, 1949 and recorded with said Registry in Book 2150, Page 564.

WITNESS its hand and seal this 9th day of June, 2009.

CITY OF CHICOPEE

By: Michael D. Bissonnette

Michael D. Bissonnette
Its: Mayor

COMMONWEALTH OF MASSACHUSETTS

Hampden, ss.

On this 9th day of June, 2009, before me, the undersigned notary public, personally appeared Michael D. Bissonette, Mayor of the City of Chicopee, proved to me through satisfactory evidence of identification, which was Personally Known, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

Chantal L. Paul
Chantal L. Paul, Notary Public
My Commission Expires: 1/23/2015



CHANTAL L. PAUL
Notary Public
Commonwealth of Massachusetts
My Commission Expires
January 23, 2015

DONALD E. ASHE, REGISTER
HAMPDEN COUNTY REGISTRY OF DEEDS