

Town and County of Nantucket
Board of Selectmen • County Commissioners

Robert R. DeCosta, Chairman
Rick Atherton
Matt Fee
Tobias Glidden
Dawn E. Hill Holdgate



16 Broad Street
Nantucket, Massachusetts 02554

Telephone (508) 228-7255
Facsimile (508) 228-7272
www.nantucket-ma.gov

C. Elizabeth Gibson
Town & County Manager

*AGENDA FOR THE MEETING OF THE
COUNTY COMMISSIONERS
JANUARY 6, 2016 - 6:00 PM
PUBLIC SAFETY FACILITY COMMUNITY ROOM
4 FAIRGROUNDS ROAD
NANTUCKET, MASSACHUSETTS*

I. CALL TO ORDER

II. ANNOUNCEMENTS

1. The County Commission Meeting is Being Video/Audio Recorded.

*III. PUBLIC COMMENT**

*IV. NEW BUSINESS**

V. PUBLIC HEARINGS

1. Second Public Hearing to Consider Extending the Hummock Pond Road Bicycle Path, referred to as Milk Street Extension, from Hummock Pond Road to Mt. Vernon Street as Shown on Plan Entitled "Permanent and Temporary Easement Plan, Extension of Hummock Pond Road Bike Path Along Milk Street Extension, County of Nantucket, Nantucket, Massachusetts," Dated September 30, 2015, Prepared by ACKME Survey LLC; and to Consider Acquiring Permanent and Temporary Easements on Abutting Parcels of Land by Purchase, Gift and/or Eminent Domain, Pursuant to MGL Chapters 79 and 83, or Otherwise.

VI. COMMISSIONERS REPORTS/COMMENTS

VII. 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 COMMISSIONERS
COUNTY OF NANTUCKET

**ORDER OF TAKING BY EMINENT DOMAIN
FOR PATHWAY EXTENSION**

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 January 6, 2016, that the acquisition of permanent and temporary easements on properties located on or near Milk Street is necessary for the construction of a path (as more particularly set forth herein, the “Project”), 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, the following interests in land:

Permanent Easements

Permanent easements in, on and under the parcels of land shown as Parcel 1, Parcel 2, Parcel 3, Parcel 4, Parcel 5, Parcel 6, Parcel 7, Parcel 8, Parcel 9, Parcel 10, and Parcel 11 (collectively, the “Permanent Easement Premises”) on , shown on a plan of land entitled “Permanent and Temporary Easement Plan”, dated September 30, 2015, prepared by ACME Survey LLC, and recorded with the Nantucket County Registry of Deeds (“Registry”) herewith as Plan No. ____ of 2016 (the “Plan”), which easements are set forth more particularly in Exhibit A, attached hereto and incorporated herein, for all purposes for which pathways may be used in the Town and County of Nantucket, including, but not limited to, the construction, maintenance, repair, replacement, replacement and/or relocation of a pathway and for all other uses related or incidental to the Project.

Temporary Easements

Temporary easements in, on and under the parcels of land show on the Plan as TE2, TE4, TE5, TE6, TE7, TE8, and TE9 (collectively, the “Temporary Easement Premises”), which easements are set forth more particularly in Exhibit B, attached hereto and incorporated herein, for the purpose of undertaking the Project, including, without limitation, constructing, installing, improving, realigning, maintaining, repairing, replacing, relocating, and/or reconstructing paths, sidewalks,

slopes of excavation and/or embankment, retaining walls, stone walls, landscaping, loaming, planting trees, seeding, paving, grading land and/or erosion control, which temporary construction easements shall terminate automatically three (3) years from the date on which this Order of Taking is recorded with the Registry without the necessity of recording any instrument with said Registry. Nothing in this paragraph shall affect the permanent easements acquired by the County hereunder.

The County shall have the right of entry upon and passage over the Permanent Easement Premises and the Temporary Easement Premises (collectively, the "Easement Premises") from time to time by foot and motor vehicles, including heavy equipment, for the purposes set forth herein and all uses necessary or incidental thereto, including, without limitation, using and temporarily storing, as needed, construction equipment, materials or other incidental items in, on, under, and upon the Easement Premises for the purpose of undertaking the Project.

The County shall have the right to remove any buildings, structures, objects, utilities and/or vegetation (including trees and shrubs) now or hereafter located within the Easement Premises whenever their removal shall be necessary or convenient to exercise the rights taken hereunder. Utilities and related facilities located within the Easement Premises that are owned by private utility companies and easements held by private utility companies are not taken.

The parcels of land subject to the permanent and/or temporary easements are owned or supposed to be owned and/or formerly owned by the parties listed in Exhibits A and B, which parties are hereinafter collectively referred to as Owners. 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 the land referred to is owned by an Owner or Owners unknown to us.

The amount awarded as damages sustained by the Owner or Owners of said parcels in accordance with the provisions of G.L. c.79, §6, as amended, and to any other person or corporation having an interest therein is set forth on Exhibit C attached hereto and incorporated herein, but which shall not be recorded with the Registry.

[signature page follows]

Adopted under seal this ____ day of January, 2016.

COUNTY OF NANTUCKET,
BY ITS COUNTY COMMISSIONERS

Tobias Glidden, Chairman

Dawn E. Hill Holdgate, Vice Chairman

Robert R. DeCosta

Rick Atherton

Matthew G. Fee

COMMONWEALTH OF MASSACHUSETTS

Nantucket County, ss

On this ____ day of January, 2016, before me, the undersigned notary public, personally appeared Tobias Glidden, Dawn E. Hill Holdgate, Robert R. DeCosta, Rick Atherton, and Matthew G. Fee members of the County Commissioners of the County of Nantucket, proved to me through satisfactory evidence of identification, which was photographic identification with signature issued by federal or state governmental agency, oath or affirmation of a credible witness, 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

Permanent Easements

<u>Parcel, Area</u>	<u>Supposed Owner(s)</u>	<u>Location</u>	<u>Title Reference</u>
Parcel 1 (1,125± sf)	Thomas McCann	78 Milk Street	Book 1480, Page 105
Parcel 2 (969.9± sf)	John. D. Arakawa and Patricia M. Anakawa	74 Milk Street	Book 267, Page 1
Parcel 3 (623± sf)	Feder Brother, LLC	72 Milk Street	Book 1365, Page 256
Parcel 4 (580.8± sf)	John P. Ray	70 Milk Street	Book 860, Page 303
Parcel 5 (376.8± sf)	Linda J. Groves	66 Main Street	Book 1190, Page 333
Parcel 6 (475.5± sf)	Thomas H. Williams, Jr. and Kathleen M. Williams, Trustees, Williams Family Realty Trust	64 Milk Street	Book 1319, Page 136
Parcel 7 (374.9± sf)	Lori D. Jimanez and Ray F. Jimanez	62 Milk Street	Book 568, Page 8 and Book 707, Page 16
Parcel 8 (386± sf)	Patricia D. Popov, Trustee, Sky Lane Nominee Trust	60 Milk Street	Book 567, Page 350
Parcels 9 (2,470.7± sf) Parcel 10 (4,050.1± sf), and Parcel 11 (275± sf)	Prospect Hill Cemetery Association, Inc.	Milk Street	Book 94, Page 197

EXHIBIT B

Temporary Easements

<u>Parcel, Area</u>	<u>Supposed Owner(s)</u>	<u>Location</u>	<u>Title Reference</u>
TE2 (280± sf)	John. D. Arakawa and Patricia M. Anakawa	74 Milk Street	Book 267, Page 1
TE4 (298± sf)	John P. Ray	70 Milk Street	Book 860, Page 303
TE5 (471± sf)	Linda J. Groves	66 Main Street	Book 1190, Page 333
TE6 (105± sf)	Thomas H. Williams, Jr. and Kathleen M. Williams, Trustees, Williams Family Realty Trust	64 Milk Street	Book 1319, Page 136
TE7 (112± sf)	Lori D. Jimanez and Ray F. Jimanez	62 Milk Street	Book 568, Page 8 and Book 707, Page 16
TE8 (170± sf)	Patricia D. Popov, Trustee, Sky Lane Nominee Trust	60 Milk Street	Book 567, Page 350
TE9 (613.6± sf)	Prospect Hill Cemetery Association, Inc.	Milk Street	Book 94, Page 197

EXHIBIT C

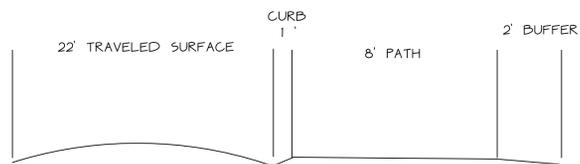
Schedule of Damages

The Nantucket County Commissioners hereby award the following damages for the easements acquired by eminent domain:

OWNER	PROPERTY ADDRESS	INTEREST TAKEN	DAMAGES AWARDED
Thomas McCann	78 Milk Street, Nantucket, MA 02554 (Map 56, Lot 6.2)	Permanent Easement (Parcel 1, 1,125± sf)	\$3,793.00
John. D. Arakawa and Patricia M. Anakawa	74 Milk Street, Nantucket, MA 02554 (Map 56, Lot 6.1)	Permanent Easement (Parcel 2, 969.9± sf); Temporary Easement (TE2, 280± sf)	\$123.00
Feder Brother, LLC	72 Milk Street, Nantucket, MA 02554 (Map 56, Lot 7)	Permanent Easement (Parcel 3, 623± sf)	\$2,100.00
John P. Ray	70 Milk Street, Nantucket, MA 02554 (Map 56, Lot 277)	Permanent Easement (Parcel 4, 580.8± sf); Temporary Easement (TE4, 298± sf)	\$2,088.00
Linda J. Groves	66 Main Street, Nantucket, MA 02554 (Map 56, Lot 9)	Permanent Easement (Parcel 5, 376.8± sf); Temporary Easement (TE5, 471± sf)	\$0.00
Thomas H. Williams, Jr. and Kathleen M. Williams, Trustees, Williams Family Realty Trust	64 Milk Street, Nantucket, MA 02554 (Map 56, Lot 430)	Permanent Easement (Parcel 6, 475.5± sf); Temporary Easement (TE6, 105± sf)	\$1,312.00
Lori D. Jimanez and Ray F. Jimanez	62 Milk Street, Nantucket, MA 02554 (Map 56, Lot 431)	Permanent Easement (Parcel 7, 374.9± sf); Temporary Easement (TE7, 112± sf)	\$1,313.00
Patricia D. Popov, Trustee, Sky Lane Nominee Trust	60 Milk Street, Nantucket, MA 02554 (Map 56, Lot 432)	Permanent Easement (Parcel 8, 386± sf); Temporary Easement (TE8, 170± sf)	\$0.00
Prospect Hill Cemetery Association, Inc.	Milk Street, Nantucket, MA 02554 (Map 56, Lot 276)	Permanent Easement (Parcels 9, 2,470.7± sf, Parcel 10, 4,050.1± sf, and Parcel 11, 275± sf); Temporary Easement (TE9, 613.6± sf)	\$23,720.00



PERMANENT AND TEMPORARY EASEMENT PLAN
 EXTENSION OF THE HUMMOCK POND ROAD BIKE PATH ALONG MILK STREET EXTENSION
 COUNTY OF NANTUCKET
 NANTUCKET, MASS.
 MILK STREET
 SCALE 1" = 30' 9-30-2015
 ACKME SURVEY LLC
 PO BOX 1448
 NANTUCKET, MASS 02554
 SHEET 1 OF 3



DETAIL NOT TO SCALE

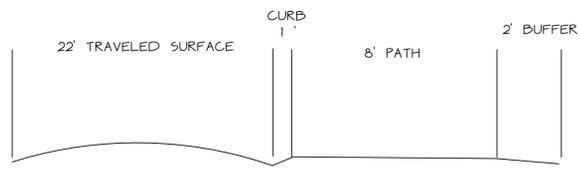
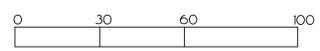
COUNTY OF NANTUCKET
 COUNTY COMMISSIONERS

DATE _____

I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMANCE WITH THE RULES AND REGULATIONS OF THE REGISTRY OF DEEDS OF THE COMMON WEALTH OF MASSACHUSETTS.



PERMANENT AND TEMPORARY EASEMENT PLAN
 EXTENSION OF THE HUMMOCK POND ROAD BIKE PATH ALONG MILK STREET EXTENSION
 COUNTY OF NANTUCKET
 NANTUCKET, MASS.
 MILK STREET
 SCALE 1" = 30' 9-30-2015
 ACKME SURVEY LLC
 PO BOX 1448
 NANTUCKET, MASS 02554
 SHEET 3 OF 3



DETAIL NOT TO SCALE

COUNTY OF NANTUCKET
 COUNTY COMMISSIONERS

DATE _____

I CERTIFY THAT THIS PLAN HAS BEEN
 PREPARED IN CONFORMANCE WITH THE
 RULES AND REGULATIONS OF THE
 REGISTRY OF DEEDS OF THE
 COMMON WEALTH OF MASSACHUSETTS.

CERTIFICATE OF DONATION



Owner(s) of Record: Patricia D. Popov, Trustee of the Sky Lane Nominee Trust

Property Address: 60 Milk Street

City/Town: Nantucket, MA

Project: Extension of the Hummock Pond Road Bike Path

Parcel Number (Easement Plan) & Square Footage(s): Parcel 8 (386 square feet) and TE8 (170 square feet) on a plan of land entitled "Permanent and Temporary Easement Plan", dated September 30, 2015, prepared by ACME Survey LLC

In Fee: NA

Permanent Easement(s): Parcel 8

Temporary Easement(s): TE8

To: Nantucket County Commissioners
 16 Broad Street
 Nantucket, MA 02554

This is to certify that the Owners are donating the above referenced easements to the Nantucket County Commissioners for consideration of One Dollar (\$1.00).

The Owners understand that the conveyance of these easements will be accomplished either by Grant of Easement or an Order of Taking, at the discretion of the County Commissioners, and recorded / filed in the Nantucket Registry of Deeds / Registry District of the Land Court. The Owners have been provided with a copy of the Order of Taking.

This donation is made of our free will. We waive our rights to an appraisal of damages and waive compensation for the easements and further waive any rights to relocation damages, if any is due.

Patricia D. Popov, Trustee

12/16/15
Date

_____ Date

****All Owners of Records must sign****

_____, County Commissioner

_____ Date

Note: If the subject parcel(s) is/are owned by a corporation, estate, trust, etc., then an appropriate document, authorizing this donation must be attached to this document.

Trustee's/Trustees' Certificate Pursuant to M.G.L. c. 184, § 35

Name of Trust: Sky Lane Nominee Trust

Patricia D. Popov, Trustee of the Sky Lane Nominee Trust, u/d/t dated January 28, 1998 (the "Trust"), executed and dated as of January 28, 1998, do hereby, pursuant to the penalties of perjury, certify as to the following facts:

- (a). That the Trust is in full force and effect as of the date hereof; it has not been revoked or terminated and all amendments of the Trust have been recorded with said Deeds;
- (b). The beneficiaries of said Trust are not intended to be disclosed by the term of the Trust;
- (c). That no beneficiary is a corporation selling all or substantially all its Massachusetts assets, a minor, or personal representative of an estate subject to estate tax liens, or is now deceased;
- (d). That the Trustee(s) of the Trust has/have authority to act with respect to real estate owned by the Trust, and have full and absolute power under said Trust to convey any interest in real estate and improvements thereon held in said Trust and no purchaser or third party shall be bound to inquire whether the Trustees have said power or are properly exercising said power or to see to the application of any Trust asset paid to the Trustees for a conveyance thereof.
- (e). That there are no facts which constitute conditions precedent to acts by the Trustees or which are in any other manner germane to affairs of the Trust.
- (g) That the Trustee(s) has/have the authority under the Trust to convey to the County of Nantucket, for consideration of One Dollar (\$1.00), permanent and temporary easements on a parcel of land located at 60 Milk Street, which parcel is described more particularly in a deed recorded with the Nantucket Registry of Deeds in Book 567, Page 350.
- (h) That the actions which we have taken as Trustees are taken pursuant to and in accordance with the Trust.

[signature page follows]

Executed as a sealed instrument under the pains and penalties of perjury on 28TH day of December, 2015.

Patricia D Popov, Trustee
Patricia D. Popov, Trustee

COMMONWEALTH/STATE OF Massachusetts

Suffolk, ss.

On this 28TH day of December, 2015, personally appeared Patricia D Popov, proved to me through satisfactory evidence of identification, which was personal knowledge, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that ~~he/she/they~~ signed it voluntarily for its stated purpose as Trustee(s) of the Sky Lane Nominee Trust.



439825/197500009

Alfa J. Zimmerman

Notary Public

My Commission Expires: 11/27/20

CERTIFICATE OF DONATION

Owner(s) of Record: Linda J. Groves

Property Address: 66 Milk Street

City/Town: Nantucket, MA

Project: Extension of the Hummock Pond Road Bike Path

Parcel Number (Easement Plan) & Square Footage(s): Parcel 5 (376.8 square feet) and TE5 (471 square feet) on a plan of land entitled "Permanent and Temporary Easement Plan", dated September 30, 2015, prepared by ACME Survey LLC

In Fee: NA

Permanent Easement(s): Parcel 5

Temporary Easement(s): TE5

To: Nantucket County Commissioners
16 Broad Street
Nantucket, MA 02554

This is to certify that the Owners are donating the above referenced easements to the Nantucket County Commissioners for consideration of One Dollar (\$1.00) *and resetting of the papers as discussed with Mr. T. Michael Burns.*

The Owners understand that the conveyance of these easements will be accomplished either by Grant of Easement or an Order of Taking, at the discretion of the County Commissioners, and recorded / filed in the Nantucket Registry of Deeds / Registry District of the Land Court. The Owners have been provided with a copy of the Order of Taking.

This donation is made of our free will. We waive our rights to an appraisal of damages and waive compensation for the easements and further waive any rights to relocation damages, if any is due.

Linda J. Groves

12/22/2015
Date

Date

****All Owners of Records must sign****

, County Commissioner

Date

Note: If the subject parcel(s) is/are owned by a corporation, estate, trust, etc., then an appropriate document, authorizing this donation must be attached to this document.

Damage Award Calculations:

Properties	78 Milk	74 Milk	72 Milk	70 Milk	66 Milk	64 Milk	62 Milk	60 Milk	Prospect Hill*	Total
Permanent Area (sqft)	1125.6	969.9	623	580.6	376.8	375.5	374.9	386	6958.5	11770.8
Temporary Area (sqft)	0	280	0	298	471	105	112	170	613.6	2049.6
Permanent \$\$	\$3,793	\$3,269	\$2,100	\$1,957	\$1,270	\$1,265	\$1,263	\$1,301	\$23,450	\$39,668
Temporary \$\$	\$0	\$123	\$0	\$131	\$207	\$46	\$49	\$75	\$270	\$901
Total:	\$3,793	\$3,392	\$2,100	\$2,088	\$1,477	\$1,312	\$1,313	\$1,376	\$23,720	\$40,569

* - Staff Recommendation (Appraised Value = \$0.00)

NP & EDC

NANTUCKET PLANNING AND ECONOMIC DEVELOPMENT COMMISSION



December 7, 2015

Thomas McCann
35 Hummock Pond Road
Nantucket, MA 02554

Re: Extension of the Hummock Pond Road Bike Path – 78 Milk Street

Dear Resident,

As you may know, the Nantucket County Commissioners intend to extend the Hummock Pond Road Bike Path along Milk Street, from the intersection Hummock Pond Road to Mt Vernon Street. This path is designed to be approximately eight (8) feet wide with a one (1) foot curbed buffer from the roadway and a two (2) foot buffer between the path and your property. The County Commissioners need certain easements on your property to undertake this project, and request that you grant such easements to the County. A plan that shows the location of the easements is enclosed.

The County needs to acquire two types of easements – permanent and temporary. The County needs a permanent easement on the portions of your property that are shown on the attached plan as “Parcel 1” to secure the use of the area for public pathway purposes. The permanent easement areas have been located within the front yard setback of your property, and as close to Milk Street as reasonably possible so that the easement has minimal impact on your property and does not impact future building locations. This easement will NOT affect zoning considerations, such as ground cover.

The County Commissioners intend to acquire the easements for the project by a friendly eminent domain taking, as an eminent domain process takes less time and does not require the consent of parties holding mortgages or other encumbrances on the property. The County Commissioners will hold a public hearing to consider the pathway extension and the eminent domain taking on **January 6, 2016 at 6:00PM** in the Community Room at 4 Fairgrounds Road, Nantucket, MA.

The Commission is required by law to obtain an appraisal from a qualified appraiser of the damages sustained by each person in his or her property, if any, resulting from the taking. As determined by the appraisals secured by the County, a taking of the easements identified above will result in a diminution in the fair market value of your property in the amount of \$3,793.00 for the permanent easement.

On behalf of the County, I hereby offer you, as the owner of the property referenced above, the total sum of \$3,793.00 as just compensation for the easements the County intends to acquire on your property. If you choose to accept the offered sum and consent

2 Fairgrounds Road ♦ Nantucket, MA
508.325.7587 ♦ 508.228.7298 facsimile

to the taking of the easements, please sign the enclosed Waiver of Damages, in which you release the County of damages in excess of the amount that the County has awarded. The just compensation amount offered by the County will be made available after the County Commissioners have decided to acquire the easements and an Order of Taking has been recorded with the Nantucket County Registry of Deeds.

However, the Commissioners hope that you and other landowners will choose to donate the easements, so as to reduce the financial burden on the County. If you choose to donate the easements to the County for consideration of \$1.00, please sign and return the enclosed Certificate of Donation before the January 6, 2016 hearing.

To successfully construct this project, we need the consent and cooperation of all property owners. Please sign and return the Waiver of Damages form (if you choose to accept the damages awarded) or the Certificate of Donation (if you choose to donate the easements to the County for \$1.00) to the County at your earliest convenience, **no later than January 6, 2016.**

As mentioned above, please note that the County Commissioners will hold a **public hearing** regarding the taking of easements for this project on **Wednesday, January 6, 2016**, in the Community Room of 4 Fairgrounds Road at 6:00PM.

Thank you in advance for your cooperation. If you have any questions regarding this project, please contact me at (508) 228-7238.

Sincerely,

T. Michael Burns, AICP
Transportation Planner

CERTIFICATE OF DONATION

Owner(s) of Record: Thomas McCann

Property Address: 78 Milk Street

City/Town: Nantucket, MA

Project: Extension of the Hummock Pond Road Bike Path

Parcel Number (Easement Plan) & Square Footage(s): Parcel 1 (1,125.6 square feet) on a plan of land entitled "Permanent and Temporary Easement Plan", dated September 30, 2015, prepared by ACME Survey LLC

In Fee: NA

Permanent Easement(s): Parcel 1

Temporary Easement(s): n/a

To: Nantucket County Commissioners
16 Broad Street
Nantucket, MA 02554

This is to certify that the Owners are donating the above referenced easements to the Nantucket County Commissioners for consideration of One Dollar (\$1.00).

The Owners understand that the conveyance of these easements will be accomplished either by Grant of Easement or an Order of Taking, at the discretion of the County Commissioners, and recorded / filed in the Nantucket Registry of Deeds / Registry District of the Land Court. The Owners have been provided with a copy of the Order of Taking.

This donation is made of our free will. We waive our rights to an appraisal of damages and waive compensation for the easements and further waive any rights to relocation damages, if any is due.

Date

Date

****All Owners of Records must sign****

, County Commissioner

Date

Note: If the subject parcel(s) is/are owned by a corporation, estate, trust, etc., then an appropriate document, authorizing this donation must be attached to this document.

COUNTY OF NANTUCKET, MASSACHUSETTS

Waiver of Damages

Thomas McCann ("Owner"), is the owner of the property located at 78 Milk Street in Nantucket, Nantucket County, Massachusetts, and described in a deed recorded with the Nantucket Registry of Deeds in Book 1480, Page 105 (the "Property"). The Owner, in consideration of the sum of \$3,793.00 paid by the County of Nantucket (the "County"), hereby acknowledges such consideration to be full compensation for all damages sustained by the Owner on account of an eminent domain taking to be made by Nantucket County Commissioners, pursuant to an Order of Taking to be recorded forthwith, of a permanent easement, for pathway purposes, in portions of the Property, all as shown on a plan entitled "Permanent and Temporary Easement Plan", dated September 30, 2015, prepared by ACME Survey LLC. The Owner, for itself and its successors and assigns, hereby waives, releases and forever discharges the County and its successors and assigns from all debt, demands, actions, reckonings, bonds, covenants, contracts, agreements, promises, damages, liabilities, and any and all other claims of every kind, nature and description whatsoever, both in Law and Equity, from or in consequences of said taking, consents to said taking, waives all rights to damages for said taking, and further waives all relocation benefits under G.L. c. 79A. The Owner acknowledges that the Owner has received a copy of the afore-mentioned plan and a draft of the aforesaid Order of Taking.

Executed under seal on this _____ day of _____, 2015.

NP&EDC

NANTUCKET PLANNING AND ECONOMIC DEVELOPMENT COMMISSION



December 7, 2015

John D. & Patricia M. Arakawa
74 Milk Street
Nantucket, MA 02554

Re: Extension of the Hummock Pond Road Bike Path – 74 Milk Street

Dear Resident,

As you may know, the Nantucket County Commissioners intend to extend the Hummock Pond Road Bike Path along Milk Street, from the intersection Hummock Pond Road to Mt Vernon Street. This path is designed to be approximately eight (8) feet wide with a one (1) foot curbed buffer from the roadway and a two (2) foot buffer between the path and your property. The County Commissioners need certain easements on your property to undertake this project, and request that you grant such easements to the County. A plan that shows the location of the easements is enclosed.

The County needs to acquire two types of easements – permanent and temporary. The County needs a permanent easement on the portions of your property that are shown on the attached plan as “Parcel 2” to secure the use of the area for public pathway purposes. The permanent easement areas have been located within the front yard setback of your property, and as close to Milk Street as reasonably possible so that the easement has minimal impact on your property and does not impact future building locations. This easement will NOT affect zoning considerations, such as ground cover.

The County also needs a +/- 280 square foot temporary easement on the portion of your property that is adjacent to the permanent easement area and shown on the attached plan as “TE2” for the purpose of constructing the path. Work within the temporary construction area may include grading of land, landscaping and driveway apron improvements. The construction activities will occur only within the permanent and temporary easement areas and not on the rest of your property. This temporary easement will remain in effect for 3 years from the date that the County acquires an easement, but, generally, the need for a temporary easement terminates once the construction has been completed.

The County Commissioners intend to acquire the easements for the project by a friendly eminent domain taking, as an eminent domain process takes less time and does not require the consent of parties holding mortgages or other encumbrances on the property. The County Commissioners will hold a public hearing to consider the pathway extension and the eminent domain taking on **January 6, 2016 at 6:00PM** in the Community Room at 4 Fairgrounds Road, Nantucket, MA.

2 Fairgrounds Road ♦ Nantucket, MA
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The Commission is required by law to obtain an appraisal from a qualified appraiser of the damages sustained by each person in his or her property, if any, resulting from the taking. As determined by the appraisals secured by the County, a taking of the easements identified above will result in a diminution in the fair market value of your property in the amount of \$3,269.00 for the permanent easement, and \$123.00 for the temporary easement.

On behalf of the County, I hereby offer you, as the owner of the property referenced above, the total sum of \$3,392.00 as just compensation for the easements the County intends to acquire on your property. If you choose to accept the offered sum and consent to the taking of the easements, please sign the enclosed Waiver of Damages, in which you release the County of damages in excess of the amount that the County has awarded. The just compensation amount offered by the County will be made available after the County Commissioners have decided to acquire the easements and an Order of Taking has been recorded with the Nantucket County Registry of Deeds.

However, the Commissioners hope that you and other landowners will choose to donate the easements, so as to reduce the financial burden on the County. If you choose to donate the easements to the County for consideration of \$1.00, please sign and return the enclosed Certificate of Donation before the January 6, 2016 hearing.

To successfully construct this project, we need the consent and cooperation of all property owners. Please sign and return the Waiver of Damages form (if you choose to accept the damages awarded) or the Certificate of Donation (if you choose to donate the easements to the County for \$1.00) to the County at your earliest convenience, **no later than January 6, 2016.**

As mentioned above, please note that the County Commissioners will hold a **public hearing** regarding the taking of easements for this project on **Wednesday, January 6, 2016**, in the Community Room of 4 Fairgrounds Road at 6:00PM.

Thank you in advance for your cooperation. If you have any questions regarding this project, please contact me at (508) 228-7238.

Sincerely,

T. Michael Burns, AICP
Transportation Planner

CERTIFICATE OF DONATION

Owner(s) of Record: John D. Arakawa and Patricia M. Arakawa

Property Address: 74 Milk Street

City/Town: Nantucket, MA

Project: Extension of the Hummock Pond Road Bike Path

Parcel Number (Easement Plan) & Square Footage(s): Parcel 2 (969.9 square feet) and TE2 (280 square feet) on a plan of land entitled "Permanent and Temporary Easement Plan", dated September 30, 2015, prepared by ACME Survey LLC

In Fee: NA

Permanent Easement(s): Parcel 2

Temporary Easement(s): TE2

To: Nantucket County Commissioners
16 Broad Street
Nantucket, MA 02554

This is to certify that the Owners are donating the above referenced easements to the Nantucket County Commissioners for consideration of One Dollar (\$1.00).

The Owners understand that the conveyance of these easements will be accomplished either by Grant of Easement or an Order of Taking, at the discretion of the County Commissioners, and recorded / filed in the Nantucket Registry of Deeds / Registry District of the Land Court. The Owners have been provided with a copy of the Order of Taking.

This donation is made of our free will. We waive our rights to an appraisal of damages and waive compensation for the easements and further waive any rights to relocation damages, if any is due.

Date

Date

****All Owners of Records must sign****

, County Commissioner

Date

Note: If the subject parcel(s) is/are owned by a corporation, estate, trust, etc., then an appropriate document, authorizing this donation must be attached to this document.

COUNTY OF NANTUCKET, MASSACHUSETTS

Waiver of Damages

John D. Arakawa and Patricia M. Arakawa (“Owners”), are the owners of the property located at 74 Milk Street in Nantucket, Nantucket County, Massachusetts, and described in a deed recorded with the Nantucket Registry of Deeds in Book 267, Page 01 (the “Property”). The Owners, in consideration of the sum of \$3,392.00 paid by the County of Nantucket (the “County”), hereby acknowledges such consideration to be full compensation for all damages sustained by the Owners on account of an eminent domain taking to be made by Nantucket County Commissioners, pursuant to an Order of Taking to be recorded forthwith, of a permanent easement and a temporary easement, for pathway purposes, in portions of the Property, all as shown on a plan entitled “Permanent and Temporary Easement Plan”, dated September 30, 2015, prepared by ACME Survey LLC. The Owners, for itself and its successors and assigns, hereby waives, releases and forever discharges the County and its successors and assigns from all debt, demands, actions, reckonings, bonds, covenants, contracts, agreements, promises, damages, liabilities, and any and all other claims of every kind, nature and description whatsoever, both in Law and Equity, from or in consequences of said taking, consents to said taking, waives all rights to damages for said taking, and further waives all relocation benefits under G.L. c. 79A. The Owners acknowledges that the Owners have received a copy of the afore-mentioned plan and a draft of the aforesaid Order of Taking.

Executed under seal on this ____ day of _____, 2015.

NP & EDC

NANTUCKET PLANNING AND ECONOMIC DEVELOPMENT COMMISSION



December 7, 2015

Feder Brothers, LLC
C/O Feder Robert
445 Hamilton Avenue
White Plains, NY 10601

Re: Extension of the Hummock Pond Road Bike Path – 72 Milk Street

Dear Resident,

As you may know, the Nantucket County Commissioners intend to extend the Hummock Pond Road Bike Path along Milk Street, from the intersection Hummock Pond Road to Mt Vernon Street. This path is designed to be approximately eight (8) feet wide with a one (1) foot curbed buffer from the roadway and a two (2) foot buffer between the path and your property. The County Commissioners need certain easements on your property to undertake this project, and request that you grant such easements to the County. A plan that shows the location of the easements is enclosed.

The County needs to acquire two types of easements – permanent and temporary. The County needs a permanent easement on the portions of your property that are shown on the attached plan as “Parcel 3” to secure the use of the area for public pathway purposes. The permanent easement areas have been located within the front yard setback of your property, and as close to Milk Street as reasonably possible so that the easement has minimal impact on your property and does not impact future building locations. This easement will NOT affect zoning considerations, such as ground cover.

The County Commissioners intend to acquire the easements for the project by a friendly eminent domain taking, as an eminent domain process takes less time and does not require the consent of parties holding mortgages or other encumbrances on the property. The County Commissioners will hold a public hearing to consider the pathway extension and the eminent domain taking on **January 6, 2016 at 6:00PM** in the Community Room at 4 Fairgrounds Road, Nantucket, MA.

The Commission is required by law to obtain an appraisal from a qualified appraiser of the damages sustained by each person in his or her property, if any, resulting from the taking. As determined by the appraisals secured by the County, a taking of the easements identified above will result in a diminution in the fair market value of your property in the amount of \$2,100.00 for the permanent easement.

On behalf of the County, I hereby offer you, as the owner of the property referenced above, the total sum of \$2,100.00 as just compensation for the easement the County

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intends to acquire on your property. If you choose to accept the offered sum and consent to the taking of the easement, please sign the enclosed Waiver of Damages, in which you release the County of damages in excess of the amount that the County has awarded.

The just compensation amount offered by the County will be made available after the County Commissioners have decided to acquire the easements and an Order of Taking has been recorded with the Nantucket County Registry of Deeds.

However, the Commissioners hope that you and other landowners will choose to donate the easement, so as to reduce the financial burden on the County. If you choose to donate the easement to the County for consideration of \$1.00, please sign and return the enclosed Certificate of Donation before the January 6, 2016 hearing.

To successfully construct this project, we need the consent and cooperation of all property owners. Please sign and return the Waiver of Damages form (if you choose to accept the damages awarded) or the Certificate of Donation (if you choose to donate the easements to the County for \$1.00) to the County at your earliest convenience, **no later than January 6, 2016.**

As mentioned above, please note that the County Commissioners will hold a **public hearing** regarding the taking of easements for this project on **Wednesday, January 6, 2016**, in the Community Room of 4 Fairgrounds Road at 6:00PM.

Thank you in advance for your cooperation. If you have any questions regarding this project, please contact me at (508) 228-7238.

Sincerely,

T. Michael Burns, AICP
Transportation Planner

CERTIFICATE OF DONATION

Owner(s) of Record: Feder Brothers, LLC

Property Address: 72 Milk Street

City/Town: Nantucket, MA

Project: Extension of the Hummock Pond Road Bike Path

Parcel Number (Easement Plan) & Square Footage(s): Parcel 3 (623 square feet) on a plan of land entitled "Permanent and Temporary Easement Plan", dated September 30, 2015, prepared by ACME Survey LLC

In Fee: NA

Permanent Easement(s): Parcel 3

Temporary Easement(s): n/a

To: Nantucket County Commissioners
16 Broad Street
Nantucket, MA 02554

This is to certify that the Owners are donating the above referenced easements to the Nantucket County Commissioners for consideration of One Dollar (\$1.00).

The Owners understand that the conveyance of these easements will be accomplished either by Grant of Easement or an Order of Taking, at the discretion of the County Commissioners, and recorded / filed in the Nantucket Registry of Deeds / Registry District of the Land Court. The Owners have been provided with a copy of the Order of Taking.

This donation is made of our free will. We waive our rights to an appraisal of damages and waive compensation for the easements and further waive any rights to relocation damages, if any is due.

Date

Date

****All Owners of Records must sign****

, County Commissioner

Date

Note: If the subject parcel(s) is/are owned by a corporation, estate, trust, etc., then an appropriate document, authorizing this donation must be attached to this document.

COUNTY OF NANTUCKET, MASSACHUSETTS

Waiver of Damages

Feder Brothers, LLC (“Owner”), is the owner of the property located at 72 Milk Street in Nantucket, Nantucket County, Massachusetts, and described in a deed recorded with the Nantucket Registry of Deeds in Book 1365, Page 256 (the “Property”). The Owner, in consideration of the sum of \$2,100.00 paid by the County of Nantucket (the “County”), hereby acknowledges such consideration to be full compensation for all damages sustained by the Owner on account of an eminent domain taking to be made by Nantucket County Commissioners, pursuant to an Order of Taking to be recorded forthwith, of a permanent easement and a temporary easement, for pathway purposes, in portions of the Property, all as shown on a plan entitled “Permanent and Temporary Easement Plan”, dated September 30, 2015, prepared by ACME Survey LLC. The Owner, for itself and its successors and assigns, hereby waives, releases and forever discharges the County and its successors and assigns from all debt, demands, actions, reckonings, bonds, covenants, contracts, agreements, promises, damages, liabilities, and any and all other claims of every kind, nature and description whatsoever, both in Law and Equity, from or in consequences of said taking, consents to said taking, waives all rights to damages for said taking, and further waives all relocation benefits under G.L. c. 79A. The Owner acknowledges that the Owner has received a copy of the afore-mentioned plan and a draft of the aforesaid Order of Taking.

Executed under seal on this _____ day of _____, 2015.

NP&EDC

NANTUCKET PLANNING AND ECONOMIC DEVELOPMENT COMMISSION



December 7, 2015

John P. Ray
673 Peachy Canyon Circle #2
Las Vegas, NV 89144

Re: Extension of the Hummock Pond Road Bike Path – 70 Milk Street

Dear Resident,

As you may know, the Nantucket County Commissioners intend to extend the Hummock Pond Road Bike Path along Milk Street, from the intersection Hummock Pond Road to Mt Vernon Street. This path is designed to be approximately eight (8) feet wide with a one (1) foot curbed buffer from the roadway and a two (2) foot buffer between the path and your property. The County Commissioners need certain easements on your property to undertake this project, and request that you grant such easements to the County. A plan that shows the location of the easements is enclosed.

The County needs to acquire two types of easements – permanent and temporary. The County needs a permanent easement on the portions of your property that are shown on the attached plan as “Parcel 4” to secure the use of the area for public pathway purposes. The permanent easement areas have been located within the front yard setback of your property, and as close to Milk Street as reasonably possible so that the easement has minimal impact on your property and does not impact future building locations. This easement will NOT affect zoning considerations, such as ground cover.

The County also needs a +/- 298 square foot temporary easement on the portion of your property that is adjacent to the permanent easement area and shown on the attached plan as “TE4” for the purpose of constructing the path. Work within the temporary construction area may include grading of land, landscaping and driveway apron improvements. The construction activities will occur only within the permanent and temporary easement areas and not on the rest of your property. This temporary easement will remain in effect for 3 years from the date that the County acquires an easement, but, generally, the need for a temporary easement terminates once the construction has been completed.

The County Commissioners intend to acquire the easements for the project by a friendly eminent domain taking, as an eminent domain process takes less time and does not require the consent of parties holding mortgages or other encumbrances on the property. The County Commissioners will hold a public hearing to consider the pathway extension and the eminent domain taking on **January 6, 2016 at 6:00PM** in the Community Room at 4 Fairgrounds Road, Nantucket, MA.

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The Commission is required by law to obtain an appraisal from a qualified appraiser of the damages sustained by each person in his or her property, if any, resulting from the taking. As determined by the appraisals secured by the County, a taking of the easements identified above will result in a diminution in the fair market value of your property in the amount of \$1,957.00 for the permanent easement, and \$131.00 for the temporary easement.

On behalf of the County, I hereby offer you, as the owner of the property referenced above, the total sum of \$2,088.00 as just compensation for the easements the County intends to acquire on your property. If you choose to accept the offered sum and consent to the taking of the easements, please sign the enclosed Waiver of Damages, in which you release the County of damages in excess of the amount that the County has awarded. The just compensation amount offered by the County will be made available after the County Commissioners have decided to acquire the easements and an Order of Taking has been recorded with the Nantucket County Registry of Deeds.

However, the Commissioners hope that you and other landowners will choose to donate the easements, so as to reduce the financial burden on the County. If you choose to donate the easements to the County for consideration of \$1.00, please sign and return the enclosed Certificate of Donation before the January 6, 2016 hearing.

To successfully construct this project, we need the consent and cooperation of all property owners. Please sign and return the Waiver of Damages form (if you choose to accept the damages awarded) or the Certificate of Donation (if you choose to donate the easements to the County for \$1.00) to the County at your earliest convenience, **no later than January 6, 2016**.

As mentioned above, please note that the County Commissioners will hold a **public hearing** regarding the taking of easements for this project on **Wednesday, January 6, 2016**, in the Community Room of 4 Fairgrounds Road at 6:00PM.

Thank you in advance for your cooperation. If you have any questions regarding this project, please contact me at (508) 228-7238.

Sincerely,

T. Michael Burns, AICP
Transportation Planner

CERTIFICATE OF DONATION

Owner(s) of Record: John P. Ray

Property Address: 70 Milk Street

City/Town: Nantucket, MA

Project: Extension of the Hummock Pond Road Bike Path

Parcel Number (Easement Plan) & Square Footage(s): Parcel 4 (580.8 square feet) and TE4 (298 square feet) on a plan of land entitled "Permanent and Temporary Easement Plan", dated September 30, 2015, prepared by ACME Survey LLC

In Fee: NA

Permanent Easement(s): Parcel 4

Temporary Easement(s): TE4

To: Nantucket County Commissioners
16 Broad Street
Nantucket, MA 02554

This is to certify that the Owners are donating the above referenced easements to the Nantucket County Commissioners for consideration of One Dollar (\$1.00).

The Owners understand that the conveyance of these easements will be accomplished either by Grant of Easement or an Order of Taking, at the discretion of the County Commissioners, and recorded / filed in the Nantucket Registry of Deeds / Registry District of the Land Court. The Owners have been provided with a copy of the Order of Taking.

This donation is made of our free will. We waive our rights to an appraisal of damages and waive compensation for the easements and further waive any rights to relocation damages, if any is due.

Date

Date

****All Owners of Records must sign****

_____, County Commissioner

Date

Note: If the subject parcel(s) is/are owned by a corporation, estate, trust, etc., then an appropriate document, authorizing this donation must be attached to this document.

COUNTY OF NANTUCKET, MASSACHUSETTS

Waiver of Damages

John P. Ray ("Owner"), is the owner of the property located at 70 Milk Street in Nantucket, Nantucket County, Massachusetts, and described in a deed recorded with the Nantucket Registry of Deeds in Book 860, Page 303 (the "Property"). The Owner, in consideration of the sum of \$2,088.00 paid by the County of Nantucket (the "County"), hereby acknowledges such consideration to be full compensation for all damages sustained by the Owner on account of an eminent domain taking to be made by Nantucket County Commissioners, pursuant to an Order of Taking to be recorded forthwith, of a permanent easement and a temporary easement, for pathway purposes, in portions of the Property, all as shown on a plan entitled "Permanent and Temporary Easement Plan", dated September 30, 2015, prepared by ACME Survey LLC. The Owner, for itself and its successors and assigns, hereby waives, releases and forever discharges the County and its successors and assigns from all debt, demands, actions, reckonings, bonds, covenants, contracts, agreements, promises, damages, liabilities, and any and all other claims of every kind, nature and description whatsoever, both in Law and Equity, from or in consequences of said taking, consents to said taking, waives all rights to damages for said taking, and further waives all relocation benefits under G.L. c. 79A. The Owner acknowledges that the Owner has received a copy of the afore-mentioned plan and a draft of the aforesaid Order of Taking.

Executed under seal on this ____ day of _____, 2015.

NP&EDC

NANTUCKET PLANNING AND ECONOMIC DEVELOPMENT COMMISSION



December 7, 2015

Linda J. Groves
1 Laurel Street
Charleston, MA 02129

Re: Extension of the Hummock Pond Road Bike Path – 66 Milk Street

Dear Resident,

As you may know, the Nantucket County Commissioners intend to extend the Hummock Pond Road Bike Path along Milk Street, from the intersection Hummock Pond Road to Mt Vernon Street. This path is designed to be approximately eight (8) feet wide with a one (1) foot curbed buffer from the roadway and a two (2) foot buffer between the path and your property. The County Commissioners need certain easements on your property to undertake this project, and request that you grant such easements to the County. A plan that shows the location of the easements is enclosed.

The County needs to acquire two types of easements – permanent and temporary. The County needs a permanent easement on the portions of your property that are shown on the attached plan as “Parcel 5” to secure the use of the area for public pathway purposes. The permanent easement areas have been located within the front yard setback of your property, and as close to Milk Street as reasonably possible so that the easement has minimal impact on your property and does not impact future building locations. This easement will NOT affect zoning considerations, such as ground cover.

The County also needs a +/- 471 square foot temporary easement on the portion of your property that is adjacent to the permanent easement area and shown on the attached plan as “TE5” for the purpose of constructing the path. Work within the temporary construction area may include grading of land, landscaping and driveway apron improvements. The construction activities will occur only within the permanent and temporary easement areas and not on the rest of your property. This temporary easement will remain in effect for 3 years from the date that the County acquires an easement, but, generally, the need for a temporary easement terminates once the construction has been completed.

The County Commissioners intend to acquire the easements for the project by a friendly eminent domain taking, as an eminent domain process takes less time and does not require the consent of parties holding mortgages or other encumbrances on the property. The County Commissioners will hold a public hearing to consider the pathway extension and the eminent domain taking on **January 6, 2016 at 6:00PM** in the Community Room at 4 Fairgrounds Road, Nantucket, MA.

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The Commission is required by law to obtain an appraisal from a qualified appraiser of the damages sustained by each person in his or her property, if any, resulting from the taking. As determined by the appraisals secured by the County, a taking of the easements identified above will result in a diminution in the fair market value of your property in the amount of \$1,270.00 for the permanent easement, and \$207.00 for the temporary easement.

On behalf of the County, I hereby offer you, as the owner of the property referenced above, the total sum of \$1,477.00 as just compensation for the easements the County intends to acquire on your property. If you choose to accept the offered sum and consent to the taking of the easements, please sign the enclosed Waiver of Damages, in which you release the County of damages in excess of the amount that the County has awarded. The just compensation amount offered by the County will be made available after the County Commissioners have decided to acquire the easements and an Order of Taking has been recorded with the Nantucket County Registry of Deeds.

However, the Commissioners hope that you and other landowners will choose to donate the easements, so as to reduce the financial burden on the County. If you choose to donate the easements to the County for consideration of \$1.00, please sign and return the enclosed Certificate of Donation before the January 6, 2016 hearing.

To successfully construct this project, we need the consent and cooperation of all property owners. Please sign and return the Waiver of Damages form (if you choose to accept the damages awarded) or the Certificate of Donation (if you choose to donate the easements to the County for \$1.00) to the County at your earliest convenience, **no later than January 6, 2016.**

As mentioned above, please note that the County Commissioners will hold a **public hearing** regarding the taking of easements for this project on **Wednesday, January 6, 2016**, in the Community Room of 4 Fairgrounds Road at 6:00PM.

Thank you in advance for your cooperation. If you have any questions regarding this project, please contact me at (508) 228-7238.

Sincerely,

T. Michael Burns, AICP
Transportation Planner

COUNTY OF NANTUCKET, MASSACHUSETTS

Waiver of Damages

Linda J. Groves (“Owner”), is the owner of the property located at 66 Milk Street in Nantucket, Nantucket County, Massachusetts, and described in a deed recorded with the Nantucket Registry of Deeds in Book 1190, Page 33 (the “Property”). The Owner, in consideration of the sum of \$1,477.00 paid by the County of Nantucket (the “County”), hereby acknowledges such consideration to be full compensation for all damages sustained by the Owner on account of an eminent domain taking to be made by Nantucket County Commissioners, pursuant to an Order of Taking to be recorded forthwith, of a permanent easement and a temporary easement, for pathway purposes, in portions of the Property, all as shown on a plan entitled “Permanent and Temporary Easement Plan”, dated September 30, 2015, prepared by ACME Survey LLC. The Owner, for itself and its successors and assigns, hereby waives, releases and forever discharges the County and its successors and assigns from all debt, demands, actions, reckonings, bonds, covenants, contracts, agreements, promises, damages, liabilities, and any and all other claims of every kind, nature and description whatsoever, both in Law and Equity, from or in consequences of said taking, consents to said taking, waives all rights to damages for said taking, and further waives all relocation benefits under G.L. c. 79A. The Owner acknowledges that the Owner has received a copy of the afore-mentioned plan and a draft of the aforesaid Order of Taking.

Executed under seal on this ____ day of _____, 2015.

NP&EDC

NANTUCKET PLANNING AND ECONOMIC DEVELOPMENT COMMISSION



December 7, 2015

Thomas H. Williams, Jr. and Kathleen M. Williams, Trustees,
Williams Family Realty Trust
59 Madigan Lane
Harvard, MA 01451

Re: Extension of the Hummock Pond Road Bike Path – 64 Milk Street

Dear Resident,

As you may know, the Nantucket County Commissioners intend to extend the Hummock Pond Road Bike Path along Milk Street, from the intersection Hummock Pond Road to Mt Vernon Street. This path is designed to be approximately eight (8) feet wide with a one (1) foot curbed buffer from the roadway and a two (2) foot buffer between the path and your property. The County Commissioners need certain easements on your property to undertake this project, and request that you grant such easements to the County. A plan that shows the location of the easements is enclosed.

The County needs to acquire two types of easements – permanent and temporary. The County needs a permanent easement on the portions of your property that are shown on the attached plan as “Parcel 6” to secure the use of the area for public pathway purposes. The permanent easement areas have been located within the front yard setback of your property, and as close to Milk Street as reasonably possible so that the easement has minimal impact on your property and does not impact future building locations. This easement will NOT affect zoning considerations, such as ground cover.

The County also needs a +/- 105 square foot temporary easement on the portion of your property that is adjacent to the permanent easement area and shown on the attached plan as “TE6” for the purpose of constructing the path. Work within the temporary construction area may include grading of land, landscaping and driveway apron improvements. The construction activities will occur only within the permanent and temporary easement areas and not on the rest of your property. This temporary easement will remain in effect for 3 years from the date that the County acquires an easement, but, generally, the need for a temporary easement terminates once the construction has been completed.

The County Commissioners intend to acquire the easements for the project by a friendly eminent domain taking, as an eminent domain process takes less time and does not require the consent of parties holding mortgages or other encumbrances on the property. The County Commissioners will hold a public hearing to consider the pathway extension

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and the eminent domain taking on **January 6, 2016 at 6:00PM** in the Community Room at 4 Fairgrounds Road, Nantucket, MA.

The Commission is required by law to obtain an appraisal from a qualified appraiser of the damages sustained by each person in his or her property, if any, resulting from the taking. As determined by the appraisals secured by the County, a taking of the easements identified above will result in a diminution in the fair market value of your property in the amount of \$1,265.00 for the permanent easement, and \$46.00 for the temporary easement.

On behalf of the County, I hereby offer you, as the owner of the property referenced above, the total sum of \$1,312.00 as just compensation for the easements the County intends to acquire on your property. If you choose to accept the offered sum and consent to the taking of the easements, please sign the enclosed Waiver of Damages, in which you release the County of damages in excess of the amount that the County has awarded. The just compensation amount offered by the County will be made available after the County Commissioners have decided to acquire the easements and an Order of Taking has been recorded with the Nantucket County Registry of Deeds:

However, the Commissioners hope that you and other landowners will choose to donate the easements, so as to reduce the financial burden on the County. If you choose to donate the easements to the County for consideration of \$1.00, please sign and return the enclosed Certificate of Donation before the January 6, 2016 hearing.

To successfully construct this project, we need the consent and cooperation of all property owners. Please sign and return the Waiver of Damages form (if you choose to accept the damages awarded) or the Certificate of Donation (if you choose to donate the easements to the County for \$1.00) to the County at your earliest convenience, **no later than January 6, 2016.**

As mentioned above, please note that the County Commissioners will hold a **public hearing** regarding the taking of easements for this project on **Wednesday, January 6, 2016**, in the Community Room of 4 Fairgrounds Road at 6:00PM.

Thank you in advance for your cooperation. If you have any questions regarding this project, please contact me at (508) 228-7238.

Sincerely,

T. Michael Burns, AICP
Transportation Planner

CERTIFICATE OF DONATION

Owner(s) of Record: Thomas H. Williams, Jr. and Kathleen M. Williams, Trustees, Williams Family Realty Trust

Property Address: 64 Milk Street

City/Town: Nantucket, MA

Project: Extension of the Hummock Pond Road Bike Path

Parcel Number (Easement Plan) & Square Footage(s): Parcel 6 (375.5 square feet) and TE6 (105 square feet) on a plan of land entitled "Permanent and Temporary Easement Plan", dated September 30, 2015, prepared by ACME Survey LLC

In Fee: NA

Permanent Easement(s): Parcel 6

Temporary Easement(s): TE6

To: Nantucket County Commissioners
16 Broad Street
Nantucket, MA 02554

This is to certify that the Owners are donating the above referenced easements to the Nantucket County Commissioners for consideration of One Dollar (\$1.00).

The Owners understand that the conveyance of these easements will be accomplished either by Grant of Easement or an Order of Taking, at the discretion of the County Commissioners, and recorded / filed in the Nantucket Registry of Deeds / Registry District of the Land Court. The Owners have been provided with a copy of the Order of Taking.

This donation is made of our free will. We waive our rights to an appraisal of damages and waive compensation for the easements and further waive any rights to relocation damages, if any is due.

Date

Date

****All Owners of Records must sign****

, County Commissioner

Date

Note: If the subject parcel(s) is/are owned by a corporation, estate, trust, etc., then an appropriate document, authorizing this donation must be attached to this document.

COUNTY OF NANTUCKET, MASSACHUSETTS

Waiver of Damages

Thomas H. Williams, Jr. and Kathleen M. Williams, Trustees, Williams Family Realty Trust (“Owner”), are the owners of the property located at 64 Milk Street in Nantucket, Nantucket County, Massachusetts, and described in a deed recorded with the Nantucket Registry of Deeds in 1319, Page 136 (the “Property”). The Owners, in consideration of the sum of \$1,312.00 paid by the County of Nantucket (the “County”), hereby acknowledges such consideration to be full compensation for all damages sustained by the Owner on account of an eminent domain taking to be made by Nantucket County Commissioners, pursuant to an Order of Taking to be recorded forthwith, of a permanent easement and a temporary easement, for pathway purposes, in portions of the Property, all as shown on a plan entitled “Permanent and Temporary Easement Plan”, dated September 30, 2015, prepared by ACME Survey LLC. The Owner, for itself and its successors and assigns, hereby waives, releases and forever discharges the County and its successors and assigns from all debt, demands, actions, reckonings, bonds, covenants, contracts, agreements, promises, damages, liabilities, and any and all other claims of every kind, nature and description whatsoever, both in Law and Equity, from or in consequences of said taking, consents to said taking, waives all rights to damages for said taking, and further waives all relocation benefits under G.L. c. 79A. The Owner acknowledges that the Owner has received a copy of the afore-mentioned plan and a draft of the aforesaid Order of Taking.

The Owners certify: that they are the sole Trustees of William Family Realty Trust; that the Trust is in full force and effect, has not terminated or been revoked as of the date hereof, and has not been amended or modified or that such amendments and modifications are as of record; that no beneficiary thereof is a minor, a corporation or other entity selling all or substantially all its Massachusetts assets, or personal representative of an estate subject to estate tax liens, or is now deceased or under any legal disability; and that the Owners have the full power and authority, and have been specifically directed by the beneficiaries, to execute this Waiver for nominal consideration and to execute and deliver this Waiver on behalf of the Trust.

Executed under seal on this ____ day of _____, 2015.

NP&EDC

NANTUCKET PLANNING AND ECONOMIC DEVELOPMENT COMMISSION



December 7, 2015

Lori D. & Ray F. Jimenez
14 Rutland Street
Carlisle, MA 01741

Re: Extension of the Hummock Pond Road Bike Path – 62 Milk Street

Dear Resident,

As you may know, the Nantucket County Commissioners intend to extend the Hummock Pond Road Bike Path along Milk Street, from the intersection Hummock Pond Road to Mt Vernon Street. This path is designed to be approximately eight (8) feet wide with a one (1) foot curbed buffer from the roadway and a two (2) foot buffer between the path and your property. The County Commissioners need certain easements on your property to undertake this project, and request that you grant such easements to the County. A plan that shows the location of the easements is enclosed.

The County needs to acquire two types of easements – permanent and temporary. The County needs a permanent easement on the portions of your property that are shown on the attached plan as “Parcel 7” to secure the use of the area for public pathway purposes. The permanent easement areas have been located within the front yard setback of your property, and as close to Milk Street as reasonably possible so that the easement has minimal impact on your property and does not impact future building locations. This easement will NOT affect zoning considerations, such as ground cover.

The County also needs a +/- 112 square foot temporary easement on the portion of your property that is adjacent to the permanent easement area and shown on the attached plan as “TE7” for the purpose of constructing the path. Work within the temporary construction area may include grading of land, landscaping and driveway apron improvements. The construction activities will occur only within the permanent and temporary easement areas and not on the rest of your property. This temporary easement will remain in effect for 3 years from the date that the County acquires an easement, but, generally, the need for a temporary easement terminates once the construction has been completed.

The County Commissioners intend to acquire the easements for the project by a friendly eminent domain taking, as an eminent domain process takes less time and does not require the consent of parties holding mortgages or other encumbrances on the property. The County Commissioners will hold a public hearing to consider the pathway extension and the eminent domain taking on **January 6, 2016 at 6:00PM** in the Community Room at 4 Fairgrounds Road, Nantucket, MA.

2 Fairgrounds Road ♦ Nantucket, MA
508.325.7587 ♦ 508.228.7298 facsimile

The Commission is required by law to obtain an appraisal from a qualified appraiser of the damages sustained by each person in his or her property, if any, resulting from the taking. As determined by the appraisals secured by the County, a taking of the easements identified above will result in a diminution in the fair market value of your property in the amount of \$1,263.00 for the permanent easement, and \$49.00 for the temporary easement.

On behalf of the County, I hereby offer you, as the owner of the property referenced above, the total sum of \$1,313.00 as just compensation for the easements the County intends to acquire on your property. If you choose to accept the offered sum and consent to the taking of the easements, please sign the enclosed Waiver of Damages, in which you release the County of damages in excess of the amount that the County has awarded. The just compensation amount offered by the County will be made available after the County Commissioners have decided to acquire the easements and an Order of Taking has been recorded with the Nantucket County Registry of Deeds.

However, the Commissioners hope that you and other landowners will choose to donate the easements, so as to reduce the financial burden on the County. If you choose to donate the easements to the County for consideration of \$1.00, please sign and return the enclosed Certificate of Donation before the January 6, 2016 hearing.

To successfully construct this project, we need the consent and cooperation of all property owners. Please sign and return the Waiver of Damages form (if you choose to accept the damages awarded) or the Certificate of Donation (if you choose to donate the easements to the County for \$1.00) to the County at your earliest convenience, **no later than January 6, 2016.**

As mentioned above, please note that the County Commissioners will hold a **public hearing** regarding the taking of easements for this project on **Wednesday, January 6, 2016**, in the Community Room of 4 Fairgrounds Road at 6:00PM.

Thank you in advance for your cooperation. If you have any questions regarding this project, please contact me at (508) 228-7238.

Sincerely,

T. Michael Burns, AICP
Transportation Planner

CERTIFICATE OF DONATION

Owner(s) of Record: Lori D. & Ray F. Jimenez

Property Address: 62 Milk Street

City/Town: Nantucket, MA

Project: Extension of the Hummock Pond Road Bike Path

Parcel Number (Easement Plan) & Square Footage(s): Parcel 7 (374.9 square feet) and TE7 (112 square feet) on a plan of land entitled "Permanent and Temporary Easement Plan", dated September 30, 2015, prepared by ACME Survey LLC

In Fee: NA

Permanent Easement(s): Parcel 7

Temporary Easement(s): TE7

To: Nantucket County Commissioners
16 Broad Street
Nantucket, MA 02554

This is to certify that the Owners are donating the above referenced easements to the Nantucket County Commissioners for consideration of One Dollar (\$1.00).

The Owners understand that the conveyance of these easements will be accomplished either by Grant of Easement or an Order of Taking, at the discretion of the County Commissioners, and recorded / filed in the Nantucket Registry of Deeds / Registry District of the Land Court. The Owners have been provided with a copy of the Order of Taking.

This donation is made of our free will. We waive our rights to an appraisal of damages and waive compensation for the easements and further waive any rights to relocation damages, if any is due.

Date

Date

****All Owners of Records must sign****

, County Commissioner

Date

Note: If the subject parcel(s) is/are owned by a corporation, estate, trust, etc., then an appropriate document, authorizing this donation must be attached to this document.

COUNTY OF NANTUCKET, MASSACHUSETTS

Waiver of Damages

Lori D. & Ray F. Jimenez (“Owner”), are the owners of the property located at 62 Milk Street in Nantucket, Nantucket County, Massachusetts, and described in a deed recorded with the Nantucket Registry of Deeds in Book 568, Page 8 (the “Property”). The Owners, in consideration of the sum of \$1,313.00 paid by the County of Nantucket (the “County”), hereby acknowledges such consideration to be full compensation for all damages sustained by the Owner on account of an eminent domain taking to be made by Nantucket County Commissioners, pursuant to an Order of Taking to be recorded forthwith, of a permanent easement and a temporary easement, for pathway purposes, in portions of the Property, all as shown on a plan entitled “Permanent and Temporary Easement Plan”, dated September 30, 2015, prepared by ACME Survey LLC. The Owner, for itself and its successors and assigns, hereby waives, releases and forever discharges the County and its successors and assigns from all debt, demands, actions, reckonings, bonds, covenants, contracts, agreements, promises, damages, liabilities, and any and all other claims of every kind, nature and description whatsoever, both in Law and Equity, from or in consequences of said taking, consents to said taking, waives all rights to damages for said taking, and further waives all relocation benefits under G.L. c. 79A. The Owner acknowledges that the Owner has received a copy of the afore-mentioned plan and a draft of the aforesaid Order of Taking.

Executed under seal on this _____ day of _____, 2015.

NP & EDC

NANTUCKET PLANNING AND ECONOMIC DEVELOPMENT COMMISSION



December 7, 2015

Popov Patricia D Trustee
C/O Sky Lane Nominee Trust
54 Carleton Road
Carlisle, MA 01741

Re: Extension of the Hummock Pond Road Bike Path – 60 Milk Street

Dear Resident,

As you may know, the Nantucket County Commissioners intend to extend the Hummock Pond Road Bike Path along Milk Street, from the intersection Hummock Pond Road to Mt Vernon Street. This path is designed to be approximately eight (8) feet wide with a one (1) foot curbed buffer from the roadway and a two (2) foot buffer between the path and your property. The County Commissioners need certain easements on your property to undertake this project, and request that you grant such easements to the County. A plan that shows the location of the easements is enclosed.

The County needs to acquire two types of easements – permanent and temporary. The County needs a permanent easement on the portions of your property that are shown on the attached plan as “Parcel 8” to secure the use of the area for public pathway purposes. The permanent easement areas have been located within the front yard setback of your property, and as close to Milk Street as reasonably possible so that the easement has minimal impact on your property and does not impact future building locations. This easement will NOT affect zoning considerations, such as ground cover.

The County also needs a +/- 170 square foot temporary easement on the portion of your property that is adjacent to the permanent easement area and shown on the attached plan as “TE8” for the purpose of constructing the path. Work within the temporary construction area may include grading of land, landscaping and driveway apron improvements. The construction activities will occur only within the permanent and temporary easement areas and not on the rest of your property. This temporary easement will remain in effect for 3 years from the date that the County acquires an easement, but, generally, the need for a temporary easement terminates once the construction has been completed.

The County Commissioners intend to acquire the easements for the project by a friendly eminent domain taking, as an eminent domain process takes less time and does not require the consent of parties holding mortgages or other encumbrances on the property. The County Commissioners will hold a public hearing to consider the pathway extension

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and the eminent domain taking on **January 6, 2016 at 6:00PM** in the Community Room at 4 Fairgrounds Road, Nantucket, MA.

The Commission is required by law to obtain an appraisal from a qualified appraiser of the damages sustained by each person in his or her property, if any, resulting from the taking. As determined by the appraisals secured by the County, a taking of the easements identified above will result in a diminution in the fair market value of your property in the amount of \$1,301.00 for the permanent easement, and \$75.00 for the temporary easement.

On behalf of the County, I hereby offer you, as the owner of the property referenced above, the total sum of \$1,376.00 as just compensation for the easements the County intends to acquire on your property. If you choose to accept the offered sum and consent to the taking of the easements, please sign the enclosed Waiver of Damages, in which you release the County of damages in excess of the amount that the County has awarded. The just compensation amount offered by the County will be made available after the County Commissioners have decided to acquire the easements and an Order of Taking has been recorded with the Nantucket County Registry of Deeds.

However, the Commissioners hope that you and other landowners will choose to donate the easements, so as to reduce the financial burden on the County. If you choose to donate the easements to the County for consideration of \$1.00, please sign and return the enclosed Certificate of Donation before the January 6, 2016 hearing.

To successfully construct this project, we need the consent and cooperation of all property owners. Please sign and return the Waiver of Damages form (if you choose to accept the damages awarded) or the Certificate of Donation (if you choose to donate the easements to the County for \$1.00) to the County at your earliest convenience, **no later than January 6, 2016.**

As mentioned above, please note that the County Commissioners will hold a **public hearing** regarding the taking of easements for this project on **Wednesday, January 6, 2016**, in the Community Room of 4 Fairgrounds Road at 6:00PM.

Thank you in advance for your cooperation. If you have any questions regarding this project, please contact me at (508) 228-7238.

Sincerely,

T. Michael Burns, AICP
Transportation Planner

CERTIFICATE OF DONATION

Owner(s) of Record: Patricia D. Popov, Trustee of the Sky Lane Nominee Trust

Property Address: 60 Milk Street

City/Town: Nantucket, MA

Project: Extension of the Hummock Pond Road Bike Path

Parcel Number (Easement Plan) & Square Footage(s): Parcel 8 (386 square feet) and TE8 (170 square feet) on a plan of land entitled "Permanent and Temporary Easement Plan", dated September 30, 2015, prepared by ACME Survey LLC

In Fee: NA

Permanent Easement(s): Parcel 8

Temporary Easement(s): TE8

To: Nantucket County Commissioners
16 Broad Street
Nantucket, MA 02554

This is to certify that the Owners are donating the above referenced easements to the Nantucket County Commissioners for consideration of One Dollar (\$1.00).

The Owners understand that the conveyance of these easements will be accomplished either by Grant of Easement or an Order of Taking, at the discretion of the County Commissioners, and recorded / filed in the Nantucket Registry of Deeds / Registry District of the Land Court. The Owners have been provided with a copy of the Order of Taking.

This donation is made of our free will. We waive our rights to an appraisal of damages and waive compensation for the easements and further waive any rights to relocation damages, if any is due.

Date

Date

****All Owners of Records must sign****

, County Commissioner

Date

Note: If the subject parcel(s) is/are owned by a corporation, estate, trust, etc., then an appropriate document, authorizing this donation must be attached to this document.

COUNTY OF NANTUCKET, MASSACHUSETTS

Waiver of Damages

Patricia D. Popov, Trustee of the Sky Lane Nominee Trust ("Owner"), is the owner of the property located at 60 Milk Street in Nantucket, Nantucket County, Massachusetts, and described in a deed recorded with the Nantucket Registry of Deeds in Book 567, Page 350 (the "Property"). The Owner, in consideration of the sum of \$1,376.00 paid by the County of Nantucket (the "County"), hereby acknowledges such consideration to be full compensation for all damages sustained by the Owner on account of an eminent domain taking to be made by Nantucket County Commissioners, pursuant to an Order of Taking to be recorded forthwith, of a permanent easement and a temporary easement, for pathway purposes, in portions of the Property, all as shown on a plan entitled "Permanent and Temporary Easement Plan", dated September 30, 2015, prepared by ACME Survey LLC. The Owner, for itself and its successors and assigns, hereby waives, releases and forever discharges the County and its successors and assigns from all debt, demands, actions, reckonings, bonds, covenants, contracts, agreements, promises, damages, liabilities, and any and all other claims of every kind, nature and description whatsoever, both in Law and Equity, from or in consequences of said taking, consents to said taking, waives all rights to damages for said taking, and further waives all relocation benefits under G.L. c. 79A. The Owner acknowledges that the Owner has received a copy of the aforementioned plan and a draft of the aforesaid Order of Taking.

The Owners certify: that they are the sole Trustees of Sky Lane Nominee Trust; that the Trust is in full force and effect, has not terminated or been revoked as of the date hereof, and has not been amended or modified or that such amendments and modifications are as of record; that no beneficiary thereof is a minor, a corporation or other entity selling all or substantially all its Massachusetts assets, or personal representative of an estate subject to estate tax liens, or is now deceased or under any legal disability; and that the Owners have the full power and authority, and have been specifically directed by the beneficiaries, to execute this Waiver for nominal consideration and to execute and deliver this Waiver on behalf of the Trust.

Executed under seal on this _____ day of _____, 2015.

NP&EDC

NANTUCKET PLANNING AND ECONOMIC DEVELOPMENT COMMISSION



December 4, 2015

Prospect Hill Cemetery Association, Inc.
35 Lily Street
Nantucket, MA 02554

Re: Extension of the Hummock Pond Road Pathway to Milk Street

Dear Resident,

As you may know, the Nantucket County Commissioners intend to extend the Hummock Pond Road Bike Path along Milk Street, from the intersection Hummock Pond Road to Mt Vernon Street. This path is designed to be approximately eight (8) feet wide with a one (1) foot curbed buffer from the roadway and a two (2) foot buffer between the path and your property. The County Commissioners need certain easements on your property to undertake this project, and request that you grant such easements to the County. A plan that shows the location of the easements is enclosed.

The County needs to acquire two types of easements – permanent and temporary. The County needs a permanent easement on the portions of your property that are shown on the attached plan as “Parcel 9” and “Parcel 10” to secure the use of the area for public pathway purposes. The permanent easement areas have been located within the front yard setback of your property, and as close to Milk Street as reasonably possible so that the easement has minimal impact on your property and does not impact future building locations. This easement will NOT affect zoning considerations, such as ground cover.

The County also needs a +/- 613 square foot temporary easement on the portion of your property that is adjacent to the permanent easement area and shown on the attached plan as “TE9” for the purpose of constructing the path. Work within the temporary construction area may include grading of land, landscaping and driveway apron improvements. The construction activities will occur only within the permanent and temporary easement areas and not on the rest of your property. This temporary easement will remain in effect for 3 years from the date that the County acquires an easement, but, generally, the need for a temporary easement terminates once the construction has been completed.

The County Commissioners intend to acquire the easements for the project by a friendly eminent domain taking, as an eminent domain process takes less time and does not require the consent of parties holding mortgages or other encumbrances on the property. The County Commissioners will hold a public hearing to consider the pathway extension and the eminent domain taking on **January 6, 2016 at 6:00PM** in the Community Room at 4 Fairgrounds Road, Nantucket, MA.

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The Commission is required by law to obtain an appraisal from a qualified appraiser of the damages sustained by each person in his or her property, if any, resulting from the taking. In this case, although the appraisal secured by the County provides that the taking will not impair the fair market value of your property, the County has decided to award you damages in the amount of \$23,450.00 for the permanent easement, and \$270.00 for the temporary easement.

On behalf of the County, I hereby offer you, as the owner of the property referenced above, the total sum of \$23,720.00 as just compensation for the easements the County intends to acquire on your property. If you choose to accept the offered sum and consent to the taking of the easements, please sign the enclosed Waiver of Damages, in which you release the County of damages in excess of the amount that the County has awarded. The just compensation amount offered by the County will be made available after the County Commissioners have decided to acquire the easements and an Order of Taking has been recorded with the Nantucket County Registry of Deeds.

However, the Commissioners hope that you and other landowners will choose to donate the easements, so as to reduce the financial burden on the County. If you choose to donate the easements to the County for consideration of \$1.00, please sign and return the enclosed Certificate of Donation before the January 6, 2016 hearing.

To successfully construct this project, we need the consent and cooperation of all property owners. Please sign and return the Waiver of Damages form (if you choose to accept the damages awarded) or the Certificate of Donation (if you choose to donate the easements to the County for \$1.00) to the County at your earliest convenience, **no later than January 6, 2016.**

As mentioned above, please note that the County Commissioners will hold a **public hearing** regarding the taking of easements for this project on **Wednesday, January 6, 2016**, in the Community Room of 4 Fairgrounds Road at 6:00PM.

Thank you in advance for your cooperation. If you have any questions regarding this project, please contact me at (508) 228-7238.

Sincerely,

T. Michael Burns, AICP
Transportation Planner

CERTIFICATE OF DONATION

Owner(s) of Record: Prospect Hill Cemetery Association, Inc.

Property Address: Milk Street

City/Town: Nantucket, MA

Project: Extension of the Hummock Pond Road Bike Path

Parcel Number (Easement Plan) & Square Footage(s): Parcel 9 (2,470.7 square feet), Parcel 10 (4,487.8 square feet), and TE9 (613 square feet) on a plan of land entitled "Permanent and Temporary Easement Plan", dated September 30, 2015, prepared by ACME Survey LLC

In Fee: NA

Permanent Easement(s): Parcel 9 and Parcel 10

Temporary Easement(s): TE9

To: Nantucket County Commissioners
16 Broad Street
Nantucket, MA 02554

This is to certify that the Owners are donating the above referenced easements to the Nantucket County Commissioners for consideration of One Dollar (\$1.00).

The Owners understand that the conveyance of these easements will be accomplished either by Grant of Easement or an Order of Taking, at the discretion of the County Commissioners, and recorded / filed in the Nantucket Registry of Deeds / Registry District of the Land Court. The Owners have been provided with a copy of the Order of Taking.

This donation is made of our free will. We waive our rights to an appraisal of damages and waive compensation for the easements and further waive any rights to relocation damages, if any is due.

Date

Date

****All Owners of Records must sign****

, County Commissioner

Date

Note: If the subject parcel(s) is/are owned by a corporation, estate, trust, etc., then an appropriate document, authorizing this donation must be attached to this document.

COUNTY OF NANTUCKET, MASSACHUSETTS

Waiver of Damages

Prospect Hill Cemetery Association, Inc. ("Owner"), is the owner of the property located on Milk Street in Nantucket, Nantucket County, Massachusetts, and described in a deed recorded with the Nantucket Registry of Deeds in Book 94, Page 197 (the "Property"). The Owner, in consideration of the sum of \$23,720.00 paid by the County of Nantucket (the "County"), hereby acknowledges such consideration to be full compensation for all damages sustained by the Owner on account of an eminent domain taking to be made by Nantucket County Commissioners, pursuant to an Order of Taking to be recorded forthwith, of permanent easements and a temporary easement, for pathway purposes, in portions of the Property, all as shown on a plan entitled "Permanent and Temporary Easement Plan", dated September 30, 2015, prepared by ACME Survey LLC. The Owner, for itself and its successors and assigns, hereby waives, releases and forever discharges the County and its successors and assigns from all debt, demands, actions, reckonings, bonds, covenants, contracts, agreements, promises, damages, liabilities, and any and all other claims of every kind, nature and description whatsoever, both in Law and Equity, from or in consequences of said taking, consents to said taking, waives all rights to damages for said taking, and further waives all relocation benefits under G.L. c. 79A. The Owner acknowledges that the Owner has received a copy of the afore-mentioned plan and a draft of the aforesaid Order of Taking.

Executed under seal on this ____ day of _____, 2015.
