



MOISES M. RODRIGUES
MAYOR

City of Brockton

Office of City Treasurer/Collector

MARTIN S. BROPHY
TREASURER/COLLECTOR

MEETING OF REAL ESTATE COMMITTEE MEETING OF OCTOBER 30, 2019

A Meeting of the Standing Committee of Real Estate was held on Wednesday October 30, 2019, in the Committee Room, City Hall. The Committee Chairperson Councilor Nicasro called the meeting to order at 5:08 P.M. with Councilors Asack, Lally, Eaniri and Monahan present.

1. Ordered: The City of Brockton grants to 28 Petronelli LLC an easement over Petronelli Way (formerly Ward Street) to maintain the existing balconies, so long as the balconies exist, on the premises known as 28 Petronelli Way, Brockton, MA. And further that the City Council authorizes the Mayor to execute the "Grant of Easement and Agreement" and to take other actions as necessary to carry out the terms, purposes and conditions of the same.

(Mr. Carmen spoke on the need of the easement)

(Councilor Nicasro notified the members that the Law office is ok with the easement)

Councilor Lally made a favorable motion, Councilor Asack seconded and the motion carried. (Five in the affirmative)

2. Ordered: that the Mayor and/or Real Estate Custodian be authorized to accept on behalf of the City of Brockton a parcel of land containing approximately 1.4121 acres, located at and known as Plot 3, 0 Bridge Street, more particularly described as Parcel Identification Number: 128-337.

"City of Champions"

BROCKTON CITY HALL	■	45 SCHOOL STREET	■	BROCKTON, MASSACHUSETTS 02301
TREASURER'S OFFICE				TAX OFFICE
TEL: (508) 580-7159		FAX: (508) 580-7895		TEL: (508) 580-7130 FAX: (508) 580-7134
treasurer@cobma.us				taxcollector@cobma.us



City of Brockton

Office of City Treasurer/Collector

MOISES M. RODRIGUES
MAYOR

MARTIN S. BROPHY
TREASURER/COLLECTOR

Councilor Lally made a favorable motion, Councilor Monahan seconded and the motion carried. (Five in the affirmative)

3. Ordered: the lifting of restriction of Parcel ID 096-121, which is the lot next to 16 Battles Street, owner Valentino R. Gomes.

(Attorney Creedon spoke on behalf of Mr. Gomes, hoping to build on the lot and will pay additional money to lift restriction)

(Councilor Asack obtained a value for lifting the restriction from the Assessors)

Councilor Asack made a favorable motion seconded by Councilor Lally which she later withdrew.

(Councilor Nicastro informed the members the Law office is not in favor of lifting)

(Attorney Creedon – Mr. Gomes has been paying taxes, largest lot on the street)

(Councilor Nicastro wants to go by the will of past council)

(Councilor Lally feels it is okay to lift)

(Councilor Asack feels lifting is okay with paying to lift)

(Councilor Eaniri said there are more issues with grandfathered lots and is okay with lifting with additional payment)

Councilor Asack made a motion to amend (see attached), Councilor Monahan seconded and the motion carried. (Five in the affirmative)

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City of Brockton
Office of City Treasurer/Collector

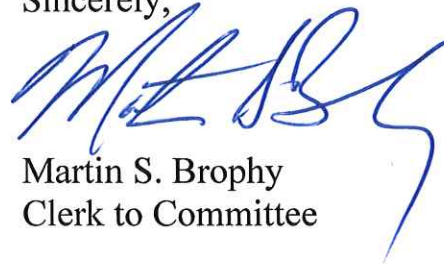
MOISES M. RODRIGUES
MAYOR

MARTIN S. BROPHY
TREASURER/COLLECTOR

Councilor Asack made a favorable motion as amended, Councilor Lally seconded and the motion carried. (Four in the affirmative, Councilor Nicastro in the negative)

Meeting adjourned at 6:14 P.M.

Sincerely,



Martin S. Brophy
Clerk to Committee

"City of Champions"

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City of Brockton

Office of City Treasurer/Collector

MOISES M. RODRIGUES
MAYOR

MARTIN S. BROPHY
TREASURER/COLLECTOR

Amendment:

I hereby motion to amend the foregoing Order with the condition of the payment of \$22,010.00 upon lifting the condition from the property.

Shirley Asack

"City of Champions"

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City of Brockton

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MOISES M. RODRIGUES
MAYOR

MARTIN S. BROPHY
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MEETING OF REAL ESTATE COMMITTEE MEETING OF OCTOBER 30, 2019

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1. Ordered: The City of Brockton grants to 28 Petronelli LLC an easement over Petronelli Way (formerly Ward Street) to maintain the existing balconies, so long as the balconies exist, on the premises known as 28 Petronelli Way, Brockton, MA. And further that the City Council authorizes the Mayor to execute the "Grant of Easement and Agreement" and to take other actions as necessary to carry out the terms, purposes and conditions of the same.

Having considered same. Report favorable.

2. Ordered: that the Mayor and/or Real Estate Custodian be authorized to accept on behalf of the City of Brockton a parcel of land containing approximately 1.4121 acres, located at and known as Plot 3, 0 Bridge Street, more particularly described as Parcel Identification Number: 128-337.

Having considered same. Report favorable.

3. Ordered: the lifting of restriction of Parcel ID 096-121, which is the lot next to 16 Battles Street, owner Valentino R. Gomes.

Having considered same. Report favorable as amended.

Meeting adjourned at 6:14 P.M.

Sincerely,

Martin S. Brophy
Clerk to Committee

"City of Champions"


173

In City Council March 25, 2019

ORDERED:

The City of Brockton grants to 28 Petronelli LLC an easement over Petronelli Way (formerly Ward Street) to maintain the existing balconies, so long as the balconies exist, on the premises known as 28 Petronelli Way, Brockton, MA.

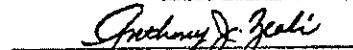
And further that the City Council authorizes the Mayor to execute the attached "Grant of Easement and Agreement" and to take other actions as necessary to carry out the terms, purposes and conditions of the same.


Councillor

Councillor Anne Beauregard - Ward 5

IN CITY COUNCIL

March 25, 2019
READ AND REFERRED TO STANDING
COMMITTEE ON Real Estate


CLERK

ENCROACHMENT EASEMENT

The City of Brockton, Massachusetts, a municipal corporation having its usual place of business at 45 School Street, Brockton, Plymouth, County, Commonwealth of Massachusetts, by and through its Mayor, Moises M. Rodrigues, for consideration paid and in full consideration of ONE DOLLAR (\$1.00), the receipt and sufficiency of which is hereby acknowledged as Grantor,

Grants to 28 Petronelli LLC, a Massachusetts Limited Liability Company with a usual place of business at 236 Huntington Avenue, Suite 402, Boston Ma. 02115 for the benefit of the property located at 28 Petronelli Way Assessors Map: 109 Route: 053 Plot 2. (Benefitted Property).

an easement for purposes of resolving an encroachment on and above the land of the City of Brockton as Grantor identified as the roadway layout for Petronelli Way a Public Way in the City of Brockton the properties are further identified as:

a parcel of land identified as MAP 109 Route 053 Plot 2, and described as "PROPOSED ENCROACHMENT EASEMENT PLAN" in a plan dated October 29, 2019, prepared by J.K. Holmgren Engineering, Inc., Registered Professional Engineers and Land Surveyors.

Whereas the Grantor City of Brockton owns the real property encompassing the layout of Petronelli Way, a public way in the City of Brockton. The Grantee has acquired the property identified as 28 Petronelli Way that is further identified at Assessors Map: 109 route 053 Plot 2. That deed is found at Book 50928 Page 3 of the Plymouth County Registry of Deeds. It has been determined by survey that the property of the Grantee encroaches upon the land of the Grantor in two places as shown on said plan. The parties wish to resolve the present conflict and enter into this agreement of Easement.

Wherefore the Grantor grants to Grantee and its successors and assigns, for the benefit of its itself and Tenants, guests, and other invitees, an easement over that portion of the Grantor's land identified as "PROP. 4' EASEMENT" as shown on said plan. Providing to the Grantee for the benefit of his property located at 28 Petronelli Way a perpetual and exclusive an unrestricted easement to build or maintain all current structures in the easement areas for the benefit of the Benefitted Property and to access those areas for construction and repair and maintenance.

For Grantor's authority, see City Council Order # _____ dated _____, and approved on _____, a copy of which is attached hereto and made a part hereof.

IN WITNESS WHEREOF, the said City of Brockton has caused its corporate seal to be hereunto affixed and those presents to be signed, acknowledged and delivered in its name and behalf by Moises M. Rodrigues its Mayor duly authorized, this _____ day of _____, 2019.

Moises M. Rodrigues, MAYOR

APPROVED AS TO FORM

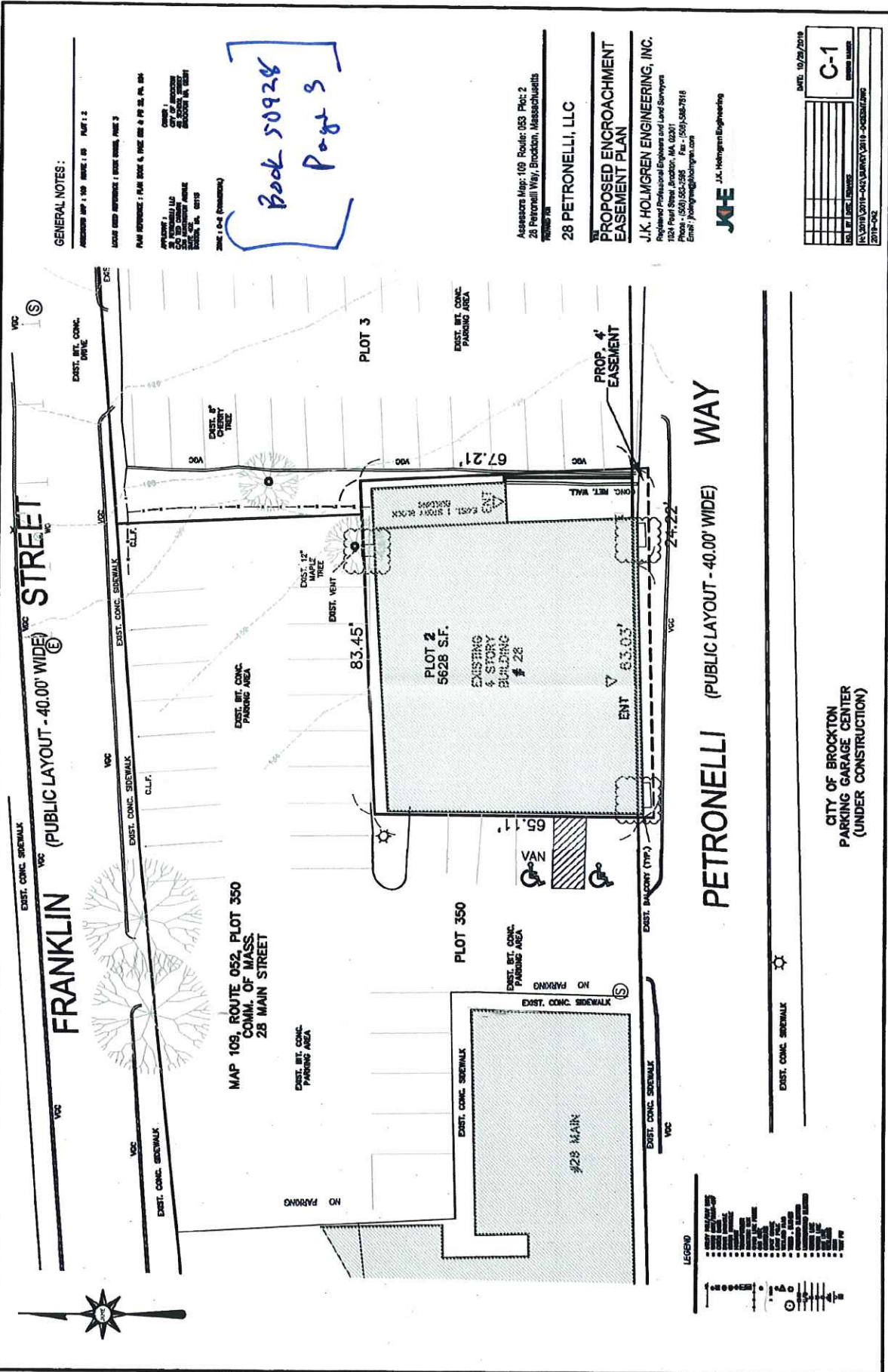
City Solicitor

COMMONWEALTH OF MASSACHUSETTS

PLYMOUTH, SS

Then personally appeared the above-named Moises M. Rodrigues on this ____ day of October 2019 in his official capacity as Mayor of the City of Brockton, proved to me through personal knowledge of identity, and upon oath and affirmation acknowledged the foregoing instrument to be his free act and deed in his official capacity on behalf of the City of Brockton, before me.

NOTARY PUBLIC
My Commission expires:



GENERAL NOTES:

- 1. REFER TO MAP 109, ROUTE 052, PAGE 1 & 2
- 2. REFER TO MAP 109, ROUTE 052, PAGE 3
- 3. REFER TO MAP 109, ROUTE 052, PAGE 4
- 4. REFER TO MAP 109, ROUTE 052, PAGE 5
- 5. REFER TO MAP 109, ROUTE 052, PAGE 6
- 6. REFER TO MAP 109, ROUTE 052, PAGE 7
- 7. REFER TO MAP 109, ROUTE 052, PAGE 8
- 8. REFER TO MAP 109, ROUTE 052, PAGE 9
- 9. REFER TO MAP 109, ROUTE 052, PAGE 10
- 10. REFER TO MAP 109, ROUTE 052, PAGE 11
- 11. REFER TO MAP 109, ROUTE 052, PAGE 12
- 12. REFER TO MAP 109, ROUTE 052, PAGE 13
- 13. REFER TO MAP 109, ROUTE 052, PAGE 14
- 14. REFER TO MAP 109, ROUTE 052, PAGE 15
- 15. REFER TO MAP 109, ROUTE 052, PAGE 16
- 16. REFER TO MAP 109, ROUTE 052, PAGE 17
- 17. REFER TO MAP 109, ROUTE 052, PAGE 18
- 18. REFER TO MAP 109, ROUTE 052, PAGE 19
- 19. REFER TO MAP 109, ROUTE 052, PAGE 20
- 20. REFER TO MAP 109, ROUTE 052, PAGE 21
- 21. REFER TO MAP 109, ROUTE 052, PAGE 22
- 22. REFER TO MAP 109, ROUTE 052, PAGE 23
- 23. REFER TO MAP 109, ROUTE 052, PAGE 24
- 24. REFER TO MAP 109, ROUTE 052, PAGE 25
- 25. REFER TO MAP 109, ROUTE 052, PAGE 26
- 26. REFER TO MAP 109, ROUTE 052, PAGE 27
- 27. REFER TO MAP 109, ROUTE 052, PAGE 28
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- 29. REFER TO MAP 109, ROUTE 052, PAGE 30
- 30. REFER TO MAP 109, ROUTE 052, PAGE 31
- 31. REFER TO MAP 109, ROUTE 052, PAGE 32
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- 88. REFER TO MAP 109, ROUTE 052, PAGE 89
- 89. REFER TO MAP 109, ROUTE 052, PAGE 90
- 90. REFER TO MAP 109, ROUTE 052, PAGE 91
- 91. REFER TO MAP 109, ROUTE 052, PAGE 92
- 92. REFER TO MAP 109, ROUTE 052, PAGE 93
- 93. REFER TO MAP 109, ROUTE 052, PAGE 94
- 94. REFER TO MAP 109, ROUTE 052, PAGE 95
- 95. REFER TO MAP 109, ROUTE 052, PAGE 96
- 96. REFER TO MAP 109, ROUTE 052, PAGE 97
- 97. REFER TO MAP 109, ROUTE 052, PAGE 98
- 98. REFER TO MAP 109, ROUTE 052, PAGE 99
- 99. REFER TO MAP 109, ROUTE 052, PAGE 100

Book 50928
Page 3

Assessors Map: 109, Reader: 052, Plot: 2
 28 Petronelli Way, Brockton, Massachusetts
 01928-1101

28 PETRONELLI, LLC

**PROPOSED ENCROACHMENT
EASEMENT PLAN**

J.K. HOLMGREN ENGINEERING, INC.
 Registered Professional Engineers and Land Surveyors
 1024 Pearl Street, Brockton, MA, 01921
 Phone: (508) 582-2385 Fax: (508) 588-7816
 Email: jkh@jkengineering.com

JKE
 J.K. Holmgren Engineering

DATE: 10/27/2016

SCALE	C-1
DATE	10/27/2016
PROJECT	CITY OF BROCKTON PARKING GARAGE CENTER (UNDER CONSTRUCTION)
DRAWN BY	
CHECKED BY	
DATE	

PETRONELLI (PUBLIC LAYOUT - 40.00' WIDE) WAY

CITY OF BROCKTON
PARKING GARAGE CENTER
(UNDER CONSTRUCTION)

379

In City Council, August 26, 2019

ORDERED:

That the Mayor and/or Real Estate Custodian be authorized to accept on behalf of the City of Brockton a parcel of land containing approximately 1.4121 acres, located at and known as Plot 3, 0 Bridge Street, more particularly described as Parcel Identification Number : 128-337 shown on the plan attached hereto.

Susan Nicastro

Councillor Susan Nicastro

IN CITY COUNCIL

August 26, 2019
READ AND REFERRED TO STANDING
COMMITTEE ON *Real Estate*
Anthony J. Zeb
CLERK

Situs : BRIDGE ST

Map ID: 128-337

Class: Vacant Land - Developable

Card: 1 of 1

Printed: July 17, 2019

CURRENT OWNER
MCDUFFY STEPHEN J
& CHERYL L MCDUFFY
108 N LEYDEN ST
BROCKTON MA 02302

GENERAL INFORMATION
Living Units
Neighborhood 250
Alternate Id 3
Val / Pg 0977700305
District
Zoning RIC
Class Residential

City Clerk
2019 JUL 26 PM 2:18

Property Note

Land Information

Type	Size	Influence Factors	Influence %	Value
Primary	SF 15,000			82,850
Residual	SF 46,507			23,250

Total Acres: 1.4121
Spot:

Location:

Entrance Information

Date	ID	Entry Code	Source

Assessment Information

Assessed	Appraised	Cost	Income	Market
Land 106,200	106,200	106,200	0	0
Building 0	0	0	0	0
Total 106,200	106,200	106,200	0	0

Manual Override Reason
Base Date of Value
Effective Date of Value

Value Flag COST APPROACH
Gross Building:

Permit Information

Date Issued	Number	Price	Purpose	% Complete

Sales/Ownership History

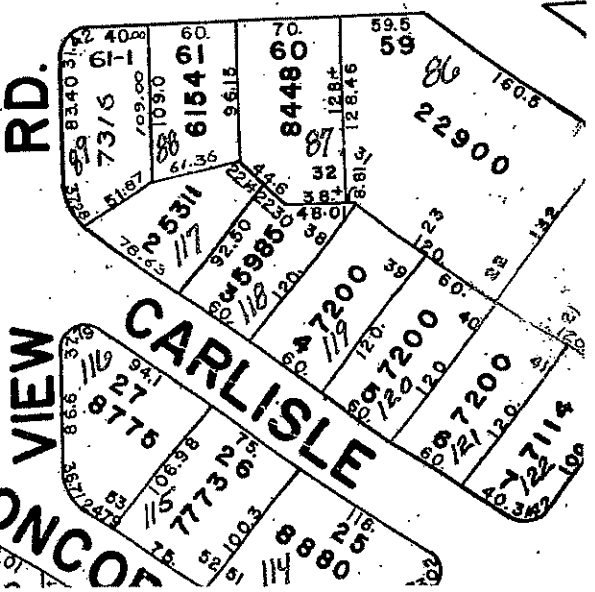
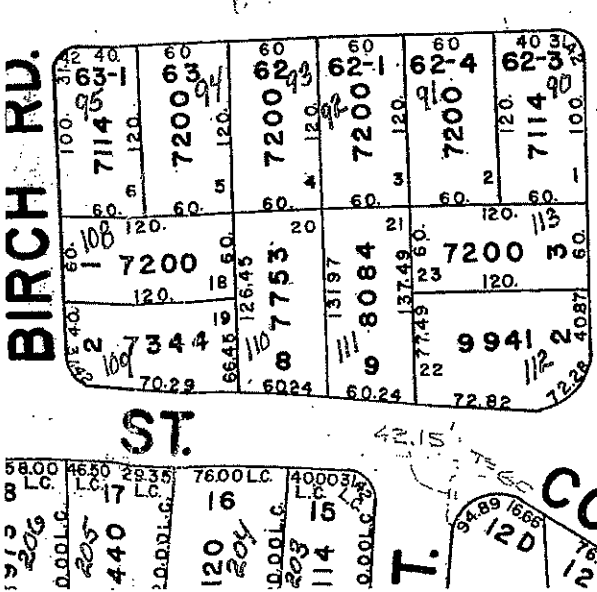
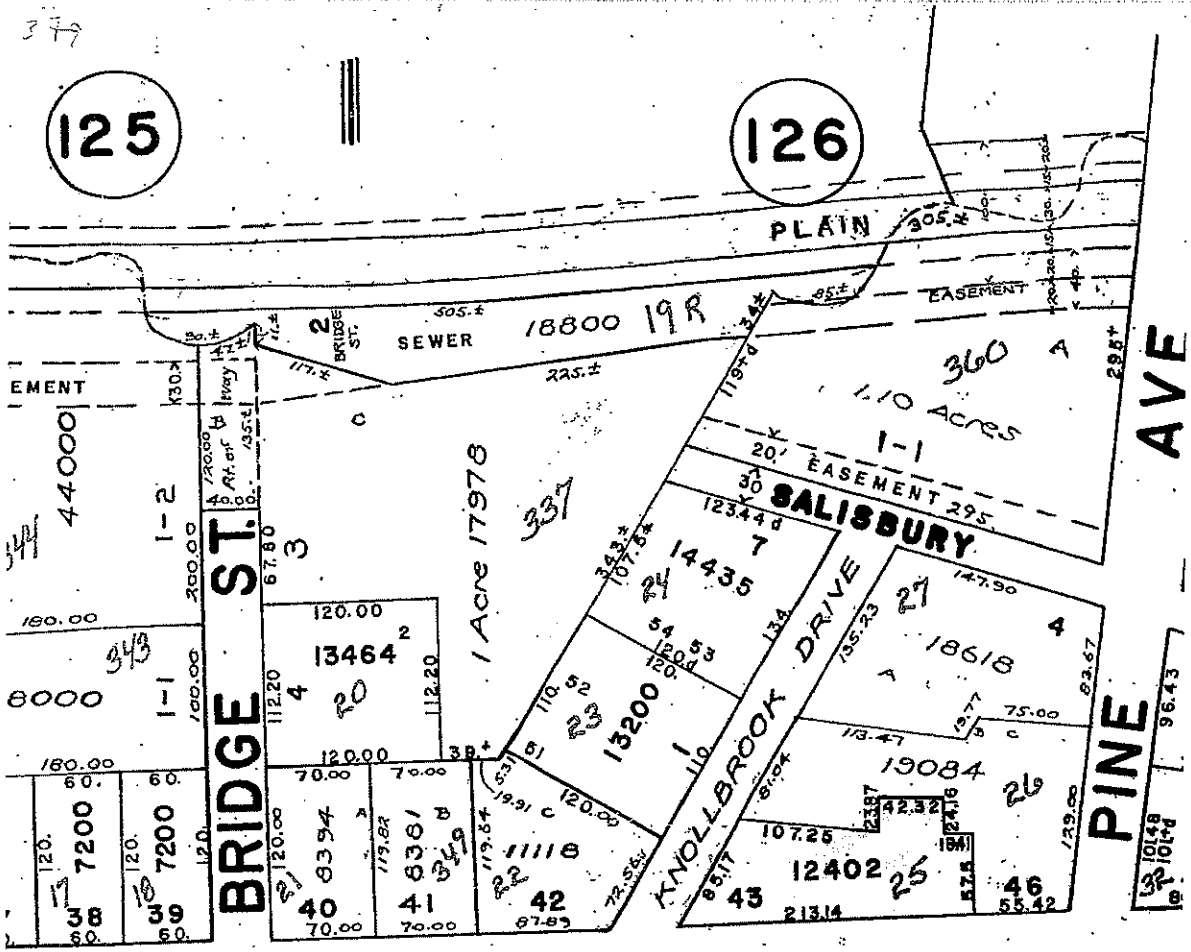
Transfer Date	Price	Type	Validity	Deed Reference	Deed Type	Grantee
				9977305		

665

379

125

126



58.00	46.50	29.35	76.00	40.00
8 L.C.	17 L.C.		16	15
120	114	114	114	114

T. 12D

CONCO

In City Council, August 23, 2019

ORDERED:

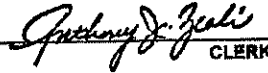
the lifting of restriction of Parcel ID 096-121, which is the lot next to 16 Battles Street, owner Valentino R. Gomes.



Councilor Shirley Asack

IN CITY COUNCIL

September 23, 2019
READ AND REFERRED TO STANDING
COMMITTEE ON Real Estate



CLERK

125469
Received & Recorded
PLYMOUTH COUNTY
REGISTRY OF DEEDS
08 AUG 2002 10:42AM
JOHN R. DUCKLEY, JR.
REGISTER
BK: 22588 Pg 331-333

QUITCLAIM DEED

The City of Brockton, Massachusetts, a municipal corporation having its usual place of business at 45 School Street, Brockton, Plymouth County, Commonwealth of Massachusetts, by and through its Treasurer/Collector, James F. Martelli, Jr., for consideration paid and in full consideration Five Thousand Three Hundred Dollars (\$5,300.00), the receipt and sufficiency of which is hereby acknowledged grants to VALENTINO R. GOMES of 16 Battles Street, Brockton, Plymouth County, Massachusetts

the land in Brockton, Plymouth County, Massachusetts, bounded and described as follows:-


A certain lot of land with the buildings thereon situated on the Southerly side of Battles Street in said Brockton and bounded and described as follows:-

BEGINNING at a fence post on said street at the Northwest corner of land formerly of Christopher Corcoran; thence
SOUTHERLY by said land formerly of said Christopher Corcoran, eleven (11) rods and Twenty-two (22) links to a stone wall; thence
WESTERLY by said wall Four (4) rods, more or less, to a corner of the fence; thence
NORTHERLY by said fence and land now or formerly of one Chaplin, Twelve (12) rods, more or less, to said Battles Street; and thence
EASTERLY by said Battles Street, Four (4) rods, more or less, to the bound first mentioned.

Being the same premises conveyed to Thomas Karros, by Michael D. Hatch, Administrator of the Estate of Sarah D. (Nessralla) Hatch, by deed dated April 22, 1961 and recorded in Plymouth County Registry of Deeds in Book 2846, Page 422.

Meaning and intending to convey and hereby conveying the same premises acquired by the City of Brockton by Land Court Foreclosure Decree Number 60311T.L. dated April 6, 1981, and recorded in Plymouth County Registry of Deeds in Book 4978, Page 365.

Grantor states that it has received sworn certifications as required by M.G.L. Chapter 60, Section 77B from the above-named grantee stating that no individual with any beneficial interest has ever been convicted of any arson related crimes and/or fraudulent claims for fire insurance, and that they are not delinquent in any payments of real estate taxes. These grantees have paid, in addition to the purchase price, the sum required by M.G.L. Chapter 44, Section 63A to be paid in lieu of current taxes.

MAIL to 
Valentino R. Gomes
16 Battles St.

For authorization of this sale see City Council Order #33 dated January 28, 2002, and approved on March 28, 2002, a copy of which is attached hereto.

This deed is conveyed with the restriction that this property is a non-buildable lot.

IN WITNESS WHEREOF, the said City of Brockton has caused its corporate seal to be hereunto affixed and those presents to be signed, acknowledged and delivered in its name and behalf by James F. Martelli, Jr., its Treasurer/Collector duly authorized, this 21st day of May, 2002.



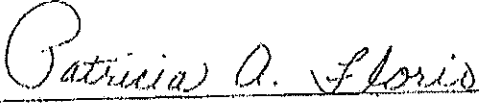
JAMES F. MARTELLI, JR.
Treasurer/Collector

PLYMOUTH, ss.

COMMONWEALTH OF MASSACHUSETTS

May 21, 2002

Then personally appeared the above-named James F. Martelli, Jr., Treasurer/Collector of the City of Brockton, and acknowledged the foregoing instrument to be a free act and deed of the City of Brockton, before me



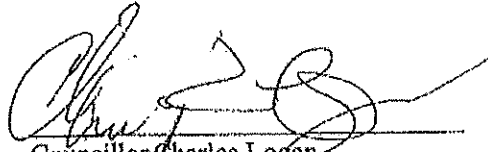
Notary Public
My commission expires: 3-25-2005

33

In City Council, January 28, 2002

ORDERED:

That the City Council authorize the Treasurer/Collector to execute any and all documents necessary to effectuate the sale of city owned property located at and known as Plot 2 Battles Street (Map 096, Route 121) to Valentino R. Gomes of 16 Battles Street, Brockton, MA 02301 for the sum of Five Thousand Three Hundred Dollars (\$5,300.00) with the restriction that said lot be classified as a non-buildable lot.

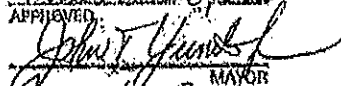

Councillor Charles Logan

IN CITY COUNCIL, MARCH 25, 2002

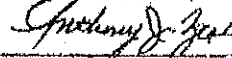
AMENDMENT FAILED BY A HAND VOTE. THE ORDER WAS ADOPTED BY A ROLL CALL VOTE TAKEN BY "YEAS" AND "NAYS"; ELEVEN MEMBERS BEING PRESENT AND ALL VOTING IN THE AFFIRMATIVE.


CITY CLERK

SENT TO MAYOR FOR APPROVAL

March 28, 2002
APPROVED

MAYOR
March 28, 2002

A TRUE COPY, ATTEST:


CITY CLERK



J.P.C. ✓

Aug. 2002

Jean Potts <jeanpotts@gmail.com>

Plot 2 Battles St - ZBA Case

1 message

O'Brien Shane <sobrien@cobma.us>

Fri, Mar 18, 2016 at 1:17 PM

To: "Jake Creedon (jeanpotts@gmail.com)" <jeanpotts@gmail.com>

Cc: Brophy Kristine <kbrophy@cobma.us>

Hi Jake,

I was reviewing your clients' property for Plot 2 Battles St for the April ZBA meeting. While researching, I discovered on the deed (attached) that the property was restricted to be non-buildable, both by Council order and by the deed. This would affect its status for the ZBA, as the Zoning Board cannot overturn the deed and Council order. I am making you aware of the situation, if you have any questions, feel free to contact us, or the Building Department.

Best,

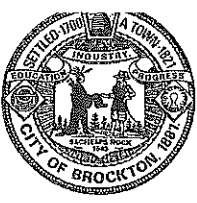
Shane O'Brien

Staff Planner

City of Brockton

(508) 580-7113

18 Battles St.pdf
150K



City of Brockton
Office of the Assessors

MOISES RODRIGUES
MAYOR

JOHN P. O'DONNELL
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MEMBER, BOARD OF ASSESSORS

October 29, 2019

Councilor Shirley Asack
City Hall
45 Scholl Street
Brockton, MA 02301

Re: Valentino R. Gomes
Battles Street, Parcel id 096-121
Brockton, Ma 02301

Dear Councilor Asack:

The above referenced property was purchased from the City of Brockton on August 8, 2002 for \$5,300 with a deed restriction that this property is a non-buildable lot. I have been asked to estimate what the real estate taxes would have been if there was not a deed restriction on the above referenced property. The total estimated taxes from FY 2003 till FY 2020 for the property would be \$22,010. Please do not hesitate to contact me with any questions or concerns.

Yours truly,

John P. O'Donnell
Chairman-Board of Assessors

Fiscal year	Estimated Assessment	Real Estate Taxes
2003	\$ 62,500.00	\$ 790.00
2004	\$ 62,500.00	\$ 719.00
2005	\$ 89,000.00	\$ 945.00
2006	\$ 105,000.00	\$ 1,002.00
2007	\$ 125,000.00	\$ 1,174.00
2008	\$ 150,000.00	\$ 1,440.00
2009	\$ 118,000.00	\$ 1,310.00
2010	\$ 91,700.00	\$ 1,263.00
2011	\$ 89,800.00	\$ 1,373.00
2012	\$ 89,800.00	\$ 1,449.00
2013	\$ 89,800.00	\$ 1,516.00
2014	\$ 89,800.00	\$ 1,628.00
2015	\$ 74,620.00	\$ 1,354.00
2016	\$ 74,620.00	\$ 1,295.00
2017	\$ 74,620.00	\$ 1,201.00
2018	\$ 74,620.00	\$ 1,198.00
2019	\$ 74,620.00	\$ 1,159.00
2020	\$ 76,810.00	\$ 1,194.00
	Total from 2003-2020	\$ 22,010.00