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MAYOR JOSHUA A. GARCIA

CITY OF HOLYOKE
RECEIVED

June 15, 2022

JUN 17 2022

Honorable City Councilors
City of Holyoke

Holyoke City Clerk's
Holyoke, MA

Re: Order the city repave west cherry asap – received and adopted on June 7, 2022.

Dear Councilors,

I agree this road needs to be repaved and I fully support efforts to begin the process for the city to appropriately accept the road as a public road so we can proceed forward with the necessary repairs. Until then, we are unable to repave the road 'asap' as requested in the order but instead begin to understand the process and execute.

Accepting it as a public street would have to follow the process set forth in the city ordinances:

Sec. 78-81. Petition to city council required.

No street shall be relocated, laid out and established, altered or discontinued except upon petition therefor presented to the city council and by it referred to the board of public works.

(Code 1972, § 18-47)

Sec. 78-82. Report upon petitions by board of public works; plans; damages to property owners.

(a) The board of public works, on receiving any and all such petitions provided for in section 78-81, shall report to the city council whether, in the judgment of the former board, the common convenience and necessity require that such street should be relocated, laid out and established, altered or discontinued. In case the board of public works shall report that such proposed street ought to be relocated, laid out and established, altered or discontinued, it shall cause the admeasurements and boundaries of the street as proposed to be relocated, laid out and established, altered or discontinued, to be distinctly marked out on the premises by the city engineer and also described in its report, which shall be accompanied by a plan made by the city engineer showing the grade and location of such alterations. Such report shall specify the manner in which such relocating, laying out and establishing, altering or discontinuing shall be completed. Such report shall also state the names of the owners of all lands included therein and in any wise sustaining damage by the relocating, laying out and establishing, altering or discontinuing of such street as proposed, with the amount of damage proper and reasonable to be awarded to each of such owners.

(b) Such plan shall, in every case, be accompanied by an agreement referring thereto, signed by all parties who claim no damages or will release their damages, and by those who will accept specific damages, with the amount thereof, and also a statement including the names of all other parties who decline to release or state their prospective damages.

(c) The above requirements for marking out the admeasurements and boundaries on the premises and making a plan by the city engineer shall be waived in the case of discontinuance of alleys unless specifically ordered by the city council.

(Code 1972, § 18-48)



MAYOR JOSHUA A. GARCIA

CITY OF HOLYOKE

Charter reference(s)—Preparation of plans, estimates, etc., for alteration in or construction of streets, etc., by city engineer, § 40.

Sec. 78-83. Notice and hearing; action by city council.

(a) Before any order for relocating, laying out and establishing, altering or discontinuing any street or any order for taking by eminent domain, or easements concerning a temporary slope or a permanent slope in connection with relocating, laying out and establishing or otherwise altering any street, shall be passed, a written notice of the intention of the city council to relocate, lay out and establish, discontinue, take by eminent domain, or allow an easement for a temporary slope or a permanent slope so as to relocate, lay out and establish or otherwise alter such street shall be given and served in the manner provided by law and such notice shall specify a time and place for hearing, before the city council, all persons interested therein.

(b) After such meeting shall have been held, the city council may proceed to act upon an order for the relocating, laying out and establishing, altering or discontinuing of such proposed street.

(Code 1972, § 18-49)

Sec. 78-84. Streets constructed on private land—Approval prior to construction.

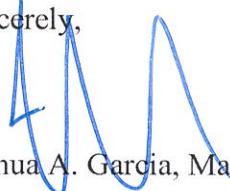
No street or way constructed on private lands shall be laid out, established or accepted as a public street by the city unless the location, direction and grade of such proposed street shall have been determined by the board of public works, previous to the construction of such street.

(Code 1972, § 18-50)

When it gets to a point where we can begin surveying, I am informed that the property survey work necessary to establish the layout would be in the range of \$10,000 to \$50,000 to determine property boundaries and a layout.

I strongly recommend we start the process as defined by ordinance so we can achieve our shared desire to fix the road in accordance to the laws and regulations.

Sincerely,



Joshua A. Garcia, Mayor

Cc: Department of Public Works and DPW Commissioners



Agenda # 41

City of Holyoke

IN CITY COUNCIL

Introduced by Councilor **Todd A McGee, Kevin A Jourdain**

Ordered, Order the city repave west cherry asap.

In City Council, June 7, 2022. **Received and adopted. Referred to the DPW.**

Brenna McGee
Clerk

Presented to the Mayor For Approval <u>June 16</u> , 20 <u>22</u> <u>Brenna M. McGee</u> City Clerk	Mayor's Office Holyoke, Mass. <u>June 17</u> , 2022 Approved <u>[Signature]</u> Mayor
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* See Attached Communication.