

City of Waltham

Jeannette A. McCarthy
Mayor

CITY OF WALTHAM
CITY CLERK'S OFFICE

2018 MAR -5 P 12:41

RECORDED

March 5, 2018

TO: The City Council

RE: City Council's Request to Negotiate the Purchase of 1 Balm Avenue (5 acres)

Dear Councillors:

Pursuant to the City Council's Request, I am advised that the owners are currently in the Land Court with a Petition to Partition. The Law Department has advised their attorney that the City is still interested in purchasing it, but not for the \$5M price.

Sincerely,

Jeannette A. McCarthy

JAM/ccb

Enclosures

cc: John Cervone
Diana Young

1 Bul

Casey-Brenner, Colette

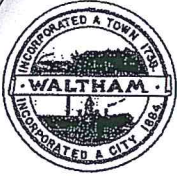
From: Cervone, John
Sent: Tuesday, July 11, 2017 10:52 AM
To: Mayor
Cc: Monaghan, Julie A.
Subject: Arrigo II(Mt. Walley
Attachments: SKMBT_60117070713300.pdf

I've left him voice mails & attached is my most recent follow-up.
I know the several diff. heirs have diff. attys.(but this is the only contact I have)
Thanks

JC

3/5/18

Lans Ct w/ Pet



City of Waltham
MASSACHUSETTS

LAW DEPARTMENT

City Solicitor
JOHN B. CERVONE

Assistant City Solicitors

PATRICIA A. AZADI
BERNADETTE D. SEWELL
MICHELLE LEARNED
LUKE STANTON
FRANCIS P. CRAIG

FAXED TO: 617-471-7144

June 30, 2017

Attorney Bradley Pinta
Pinta & Schwartzberg, LLP
400 Crown Colony Drive – Suite 603
Quincy, MA 02436

RE: 1 Balm Avenue, Waltham, MA – a/k/a Great Orchard

Dear Attorney Pinta,

This will just quickly follow up my most recent call and message to you germane to the above, and also follow up my previous communications.


I do now understand that you only represent one of the heirs. I do understand from you that the above property is owned as Tenants by Common in three (3) different "persons" within the Arrigo family. However you represent only one (1) of those persons (I believe that is a Mrs. Katherine Smith. One of her children also called me about the above). I had previously been in contact with other of those heirs; and I understand that one or more of them (or their children ostensibly acting on their behalf) may have conferred with another attorney. (I did have a conversation with another attorney but do not have all their contact information and would appreciate your confirming that).

I had heard what I found to be a very unreasonable asking price and when I responded that would never be considered, I then heard they/you would be obtaining a formal appraisal. However, I have not received any further information or heard anything further.

Please advise as to the above; otherwise I can only presume this property is not for sale and I'll close my file.

Thank you for your time and response.

Very truly yours,


John B. Cervone, Esq.

Casey-Brenner, Colette

1 Balm

From: Centofanti, Paul
Sent: Wednesday, April 19, 2017 1:24 PM
To: Mayor; Cervone, John
Cc: Vidal, Carlos A; Councilw1; Diane LeBlanc; Gary Marchese; GEORGE DARCY; Councilw7; McLaughlin, John; Kathleen McMenimen; O'Brien, Patrick; 'PAUL BRASCO'; Randy LeBlanc; Councilw9; Robert Waddick; 'STEPHEN ROURKE'; William Fowler; Malone, Rosario; Vizard, Joseph; Wilson, Kara
Subject: COW request - 1 Balm Ave

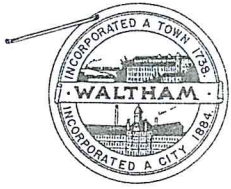
Mayor/John:

At last night's COW meeting it was approved to authorize you and the Law Department to continue negotiations for the acquisition of the property located at 1 Balm Avenue.

Thank you.

Paul

*Paul G. Centofanti
City Auditor
City of Waltham
781-314-3222*



City of Waltham

Jeannette A. McCarthy
Mayor

CORRECTED LETTER

April 6, 2017

TO: Diana Young, CPC Chair and John Cervone, City Solicitor
RE: 1 Balm Avenue, Waltham, 5 acres

Dear Diana and John,

This is a Ward 2 City Councillor project. As you are aware on February 15, 2017, I forwarded to the City Council the appraisal for the above property.

I have not heard anything from the City Council since then. I am not sure if the matter is closed or if it wishes the Mayor and Law Department to further negotiate with the owners. I do know that Diana spoke to the appraiser who appraised the property for the City to discuss the \$1.1M per acre requested by the sellers.

Thank you.

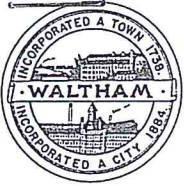
Sincerely,

Jeannette A. McCarthy

JAM/ccb

Enclosure

cc: Councillor William Fowler, Ward 2



City of Waltham

Jeannette A. McCarthy
Mayor

CITY OF WALTHAM
CITY CLERK'S OFFICE
2017 FEB 15 A 0:14
RECORDED

February 15, 2017

TO: The City Council
RE: 1 Balm Avenue, 5 Acres

Dear Councillors:

Enclosed is a communication the Law Department received yesterday from the attorney representing the sellers of the above property.

I am unable to support the sellers' offer of \$5,500,000.00 (\$1.1 million per acre) in light of the appraisal that the Community Preservation Committee (CPC) obtained (appraisal dated January 8, 2016 for \$1,760,000.00.)

I am sending this to CPC, and it may want to forward to its appraiser for information and/or comment.

Sincerely yours,

Jeannette A. McCarthy

JAM/ccb

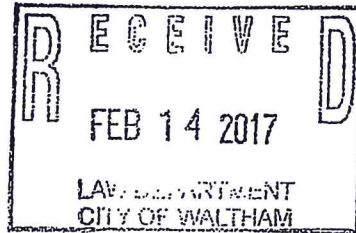
Enclosure

cc: Diana Young
John Cervone

February 10, 2017

By Electronic and Regular Mail

John Cervone, Esq.
City of Waltham Law Department
119 School Street
Waltham, MA 02451



Ann M. Sobolewski
617-973-6120
617-722-4921 FAX
asobolewski@pbl.com

Re: 5 acres of residentially zoned land off Mt. Walley Road, Waltham, MA (1 Balm Avenue)

Dear Attorney Cervone:

Enclosed please find an Offer to Sell from the owners of One Balm Avenue. The owners have carefully evaluated the development potential of the property and have received independent offers from third parties which confirm that its value as a potential subdivision or other housing development is significant. Notwithstanding, the foregoing, they appreciate the City's interest in acquiring the property and, as such, tender this offer to sell. Please note that this offer will expire at the close of business on February 17, 2017.

Please contact me with any questions or comments on this matter.

Very truly yours,

Ann M. Sobolewski

Enclosure

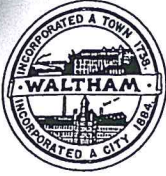
cc: Brad Pinta, Esq.
Client Group (by electronic mail)

2086078v1/20289-2

RECEIVED

FEB 14 2017

MAYOR'S OFFICE



CITY OF WALTHAM IN THE CITY COUNCIL

610 Main Street

Waltham Massachusetts 02452

Order # 33355

Ordered:

The City Council authorizes the Mayor and the Law Department to enter into negotiations to acquire the property located at 1 Balm Ave.

Read & Adopted: February 22, 2016

Waltham City Council Roll Call

Item: Authorization for Mayor & Law Dept. to enter into negotiations to acquire 1 Balm Ave.

Date: 2/22/2016

Yea

Nay

Abstained

Absent

Paul J. Brasco

✓

George A. Darcy III

✓

William H. Fowler

✓

Joseph M. Giordano Jr.

✓

Diane P. LeBlanc

✓

Robert G. Logan

✓

John J. McLaughlin

✓

Kathleen B. McMenimen

✓

Patrick J. O'Brien

✓

Daniel P. Romard

✓

Stephen F. Rourke

✓

Carlos A. Vidal

✓

Joseph W. Vizard

✓

Robert J. Waddick

✓

Gary J. Marchese
President

✓

Totals

15
0

Scorzella, Nancy

Bul

From: Scorzella, Nancy
Sent: Wednesday, February 03, 2016 2:05 PM
To: 'Diana Young'
Subject: RE: One Balm Avenue

Diana
Yes, would you please send the e-line version.

Thanks.
Nancy

From: Diana Young [mailto:youngdianac@msn.com]
Sent: Tuesday, February 02, 2016 6:28 AM
To: Mayor <mayor@city.waltham.ma.us>
Subject: One Balm Avenue

Dear Mayor - The CPC has received the appraisal for One Balm Avenue from Ed Bowler. I will get a hard copy to you by tomorrow, after we make a few confidential copies. Would you like the ne-line version?

Diana

Scorzella, Nancy

1 Balm

From: Centofanti, Paul
Sent: Monday, February 01, 2016 11:03 PM
To: Mayor
Cc: Vidal, Carlos A; Councilw1; Diane LeBlanc; GEORGE DARCY; Councilw7; Vizard, Joseph; McLaughlin, John; Kathleen McMenimen; Marchese, Gary; O'Brien, Patrick; PAUL BRASCO; Councilw9; 'ROBERT WADDICK'; 'STEPHEN ROURKE'; 'WILLIAM FOWLER'; Malone, Rosario; Curtin, Thomas; Wilson, Kara
Subject: appraisal - 1 Balm Road

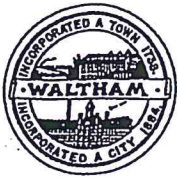
Mayor:

At tonight's meeting of the Committee of the Whole the docket item of the acquisition of the 1 Balm Road property was discussed. A request was approved by the Committee for you to provide an update on the status of the appraisal and if the appraisal has been completed, to forward a copy of the appraisal to each Councillor.

Thank you.

Paul

*Paul G. Centofanti
City Auditor
City of Waltham
781-314-3222*



CITY OF WALTHAM

BILL FOWLER
COUNCILLOR WARD 2

Whereas, the property listed as 1 Balm Rd, a 5 acre parcel known as the "Great Orchard" is being advertised for sale and being marketed to developers, and

Whereas, this property is an important link to connecting the Western Greenway and Prospect Hill Park, and

Whereas, the infrastructure in this part of the city is woefully inadequate to handle the increased use that a new development of this size would create,

1 Be it resolved, that the City Council authorize the Mayor and the Law Department to enter into negotiations to purchase this property with the owners.

2 Be it further resolved, that the City Council approve filing an application with the Community Preservation Committee for funding for all or part of the purchase of the property.

3 Be it further resolved, that the City Council request the Community Preservation Committee to use administrative funds to have an appraisal conducted on the property.

William H Fowler

William H Fowler
Councillor Ward 2

George A Darcy III
Councillor Ward 3

Stephen F Rourke
Councillor Ward 8

Thomas M Stanley
Councillor At Large

September 28, 2015