

Adam Paton

From: Dave Capobianco <dcapobianco@atlanticmanagement.com>
Sent: Tuesday, August 9, 2016 3:03 PM
To: Mayor (mayor@city.waltham.ma.us)
Cc: Azadi, Pat (pazadi@city.waltham.ma.us)
Subject: Requested letter from Mayor
Attachments: D R A F T letter from Mayor.8 9 16..docx

Dear Mayor McCarthy:

Given the difficulties created by this tight time frame of August 23rd for a decision by the Stigmatines on the friendly closing - Father White has asked for our assistance in preparing a suggested letter (see attached) from your office addressed to the Superior General – Father Maurizio Baldessari.

As you can see after reviewing - its purpose is to deliver the message of importance; urgency and definitiveness of the “taking “ of this site for public purpose. Your signature to this or some similarly drafted letter that you are willing to sign will immensely help in obtaining Rome’s consent to proceed with the friendly closing as the letter explains. Please review and advise whether we can obtain this or some similar letter on your letter head for forwarding to Rome along with Father White’s cover letter and subsequent communications.

We believe this form of letter from the City’s Mayor is instrumental in order to awaken Rome to the imminence of this matter.

I will call shortly to ask your thoughts about assisting in this regard.

David A. Capobianco



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D R A F T

[place on City of Waltham's letterhead]

Very Reverend Maurizio Baldessari, C.S.S.
Curia Generalizia degli Stigmatini
Via Mazzarino,16
00184 - Roma---ITALY

Reverend and Dear Father Maurizio,

The City of Waltham (the "City"), has communicated its intention to acquire the Stigmatine's property located at 554 Lexington Street, Waltham, Massachusetts (the "Stigmatine Property").

Under the Sovereign's powers of "eminent domain" the City may "take" private property provided it is for a public purpose, subject to paying the owner "just and reasonable compensation" based upon the property's "fair market value."

It is the City's intention to take the entire Stigmatine Property under its powers of eminent domain unless a satisfactory "friendly" sale agreement can be reached between the Stigmatines and the City no later than August 23, 2016. The City has engaged an appraiser and is awaiting completion of an appraisal of the property. If supported by the appraisal, and subject to title and a Phase I environmental study, I will recommend to the City Council to pay \$18 million for the Stigmatine Property in a direct friendly sale.

Provided an agreement for a friendly sale is reached, I am further prepared to recommend to the City Council that the City lease-back the Espousal Center, the Provincial Office and St. Joseph's Hall to the Stigmatines for a period of five (5) years from closing. The lease-back arrangement will reduce the amount the City is willing to pay for the Stigmatine Property. I would present this agreement to the City Council for approval no later than

September 26, 2016 and a closing would take place within 30-60 days thereafter.

If a friendly sale is not agreed to, the City is prepared to move forward with an exercise of its eminent domain power and take the entire property. Should that happen, the City will not be able to lease-back any portion of the Stigmatine Property to the Stigmatines and the Stigmatines must vacate the property.

Please be available to make a decision on a friendly sale and lease-back over the next few weeks. The City is operating under a tight time-line and will need an agreement on a friendly sale no later than August 23, 2016.

Sincerely,

Jeanette A. MaCarthy, Mayor

From: Azadi, Pat [mailto:pazadi@city.waltham.ma.us]
Sent: Wednesday, August 10, 2016 12:26 PM
To: Dave Capobianco
Cc: Mayor
Subject: RE: Requested letter from Mayor

Hi Dave,

I have reviewed your proposed letter and, unfortunately, the Mayor will not be able to sign it. Currently, the Mayor has no authority to state that a taking will be made; she must first go before the City Council and get its authorization as any taking requires both action of the City Council and approval of the Mayor. Before the Mayor will be able to appear before the City Council, she will need to receive from you the completed engineering work and she must also receive the final appraisal. In addition, it would be best to have, in writing from the Stigmatines, their requests relative to the site (proposed leaseback/building(s) proposed to be occupied by the Stigmatines for a certain time) so that those requests may be presented to the City Council at the same time.

While the Mayor is unable to provide the letter you want at the present time, she is willing to do something similar to it once she receives the information identified above and secures authorization from the City Council.

If you have any questions, please call me.

Sincerely,
Pat Azadi

From: Dave Capobianco [mailto:dcapobianco@atlanticmanagement.com]
Sent: Tuesday, August 09, 2016 3:03 PM
To: Mayor
Cc: Azadi, Pat
Subject: Requested letter from Mayor

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