

**BOARD OF HIGHER EDUCATION**  
**REQUEST FOR COMMITTEE AND BOARD ACTION**

**COMMITTEE:** Fiscal Affairs and Administrative Policy      **NO.:** FAAP 15-32

**COMMITTEE DATE:** March 3, 2015

**BOARD DATE:** March 10, 2015

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**REVIEW OF SALEM STATE UNIVERSITY ASSISTANCE CORPORATION'S  
REQUEST TO GRANT AN EASEMENT**

**MOVED:**            The Board of Higher Education (BHE) acknowledges the request of the Salem State University Assistance Corporation (SSUAC) to grant a permanent easement on property owned by SSUAC to the city of Salem for the purpose of widening a sidewalk, as described in Attachment A. Under the provisions of SSUAC's enabling legislation, Section 277 of chapter 60 of the Acts of 1994, as amended, SSUAC is required to notify and consult with the BHE prior to any transfer of an interest in its real property.

The Board of Higher Education has reviewed SSUAC's request and has no objections to the granting of the easement as described in Attachment A.

**Authority:**            Section 277 of chapter 60 of the Acts of 1994, as amended

**Contact:**            Constantia T. Papanikolaou, General Counsel

## **Attachment A**

Attachment A-1: November 19, 2014 letter from the Salem State University Assistance (SSUA) Corporation notifying the Board of Higher Education of its intention to grant an easement to the City of Salem for the purpose of widening a sidewalk.

Attachment A-2: December 4, 2014 letter from Pamela C. Scott, Chair of the Salem State University Board of Trustees, confirming that the Salem State University Board of Trustees have no objections to SSUA granting the proposed easement.



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November 19, 2014

Trustees

Counselors at Law

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Michael B. Elefante  
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Stephen W. Kidder  
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Of Counsel

Massachusetts Board of Higher Education  
One Ashburton Place, Pl Room 1401  
Boston, MA 02108

Ladies and Gentlemen:

I am writing on behalf of Salem State University Assistance Corporation ("SSUAC"), a nonprofit corporation created by special act of the Massachusetts Legislature in 1994 (Section 277 of Chapter 60) to acquire and hold real estate for the use of Salem State University ("SSU"). I have enclosed a copy of the enabling legislation, including subsequent amendments, although the subject of this letter relates solely to the original legislation.

The enabling legislation includes certain requirements that must be met when SSUAC acquires or disposes of real property. Subsection (e) includes a provision (see highlighted language) requiring SSUAC to notify in writing and to consult with the Massachusetts Higher Education Coordinating Council (predecessor to the Massachusetts Board of Higher Education) prior to transferring any of its real property.

Since its inception, SSUAC has acquired several parcels of real estate, but it has never disposed of any real estate. However, SSUAC was recently approached by the City of Salem in connection with a sidewalk improvement project involving sidewalks abutting property owned by SSUAC and occupied by SSU. The proposed improvements include widening the sidewalks slightly. In two instances, the widened sidewalk will encroach upon SSUAC's land by up to 2 feet. In order to save substantial time and expense, instead of taking these small amounts of property by eminent domain, the City has been encouraged by both the state DOT and Federal Highway Department (apparently both are contributing funding for the new sidewalks) to ask the abutters to donate the affected land.

Instead of conveying title, SSUAC is willing to grant to the City and the State a permanent easement over these small strips of land for nominal consideration in order

\*Also Admitted in NH

November 19, 2014

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to obtain better and safer sidewalks. We have determined that the small amount of land involved will not adversely affect the use of the remaining land by SSU or SSUAC.

I have also enclosed a copy of the proposed Easement that SSUAC is prepared to grant to the City of Salem and Massachusetts DOT. The easement areas are shown in red on the plans attached thereto. Please let me know if you have any questions or require any further information. We would appreciate written confirmation of your receipt of this letter and whether you have any objections to the proposed Easement.

Thank you for your attention to this matter.

Sincerely yours,



Thomas L. Guidi, attorney for  
Salem State University Assistance  
Corporation

TLG/ate  
Enclosures

Cc: Constantia T. Papanikolaou, General Counsel  
Gordon Hall, Chairman  
Patricia Maguire Meservey, President  
Greg Smith, Chief Executive Officer

EASEMENT

KNOWN ALL MEN BY THESE PRESENTS that SALEM STATE UNIVERSITY ASSISTANCE CORPORATION, a Massachusetts nonprofit corporation created by Section 277 of Chapter 60 of the 1994 Massachusetts Acts and Resolves, as amended, with its principal office at 121 Loring Avenue, Salem, Massachusetts 01970 (the "Grantor"), for nominal consideration, grants to the City of Salem, Massachusetts and the Massachusetts Department of Transportation (the "Grantees") and their respective successors and assigns, perpetual rights and easements (a) to construct, install, relocate, reconstruct, maintain and replace a sidewalk on the portions of the Grantor's land in Salem, Essex County Massachusetts shown as "SW-1" and "SW-2" on the plans attached hereto as Exhibit A (the "Easement Areas"), (b) to use the Easement Areas as public sidewalks and (c) to enter upon and authorize and permit others to enter upon the Easement Areas from time to time for all of the foregoing purposes.

For Grantor's title, see deed dated August 24, 2010 recorded with the Essex County South District Registry of Deeds, Book 29712, Page 19.

IN WITNESS WHEREOF, the Grantor has caused this instrument to be executed under seal as of the            day of            , 2014.

SALEM STATE UNIVERSITY  
ASSISTANCE CORPORATION

By: \_\_\_\_\_  
Gordon Hall, Chairman

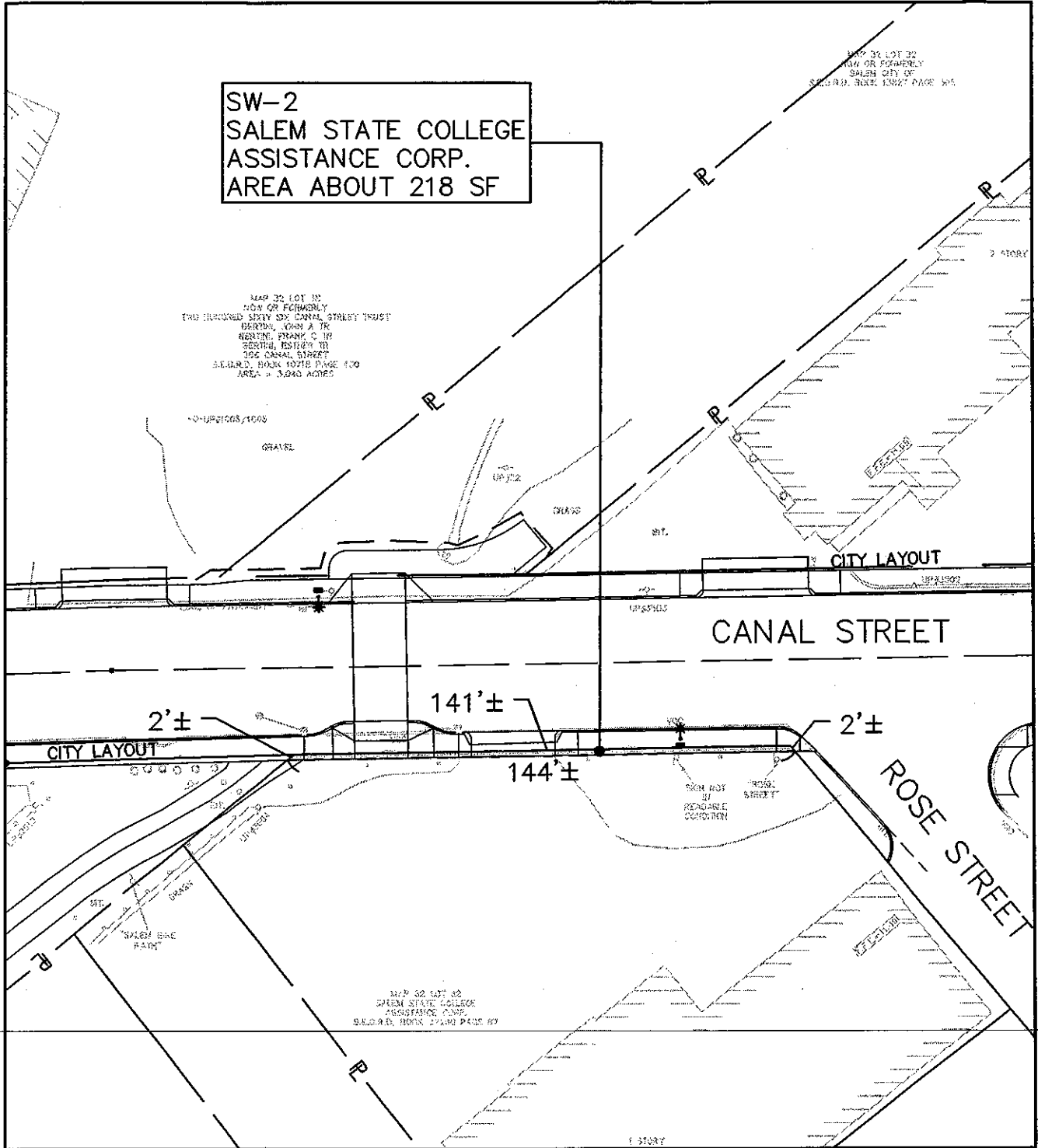
COMMONWEALTH OF MASSACHUSETTS  
COUNTY OF ESSEX

Before me, the undersigned notary public, on this \_\_\_\_\_ day of \_\_\_\_\_, 2014, personally appeared Gordon Hall, who is personally known to me or was proved to me through a current document issued by a federal or state government agency bearing a photographic image of the signatory's face and signature, to be the person whose name is signed to the foregoing instrument and acknowledged to me that he signed it as his free act and deed and the free act and deed of Salem State University Assistance Corporation as Chairman of Salem State University Assistance Corporation, for its stated purpose.

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[notary seal]

Exhibit A



SW-2  
 SALEM STATE COLLEGE  
 ASSISTANCE CORP.  
 AREA ABOUT 218 SF

MAP 32 LOT 32  
 NOW OR FORMERLY  
 TWO HUNDRED SIXTY ONE CANAL STREET TRUST  
 DEEDS, BOOK A 78  
 HERSTIE, FRANK C BY  
 GEORGE, ESTHER TO  
 265 CANAL STREET  
 S.E.D.R. BOOK 10718 PAGE 100  
 AREA = 3,040 ACRES

MAP 32 LOT 33  
 NOW OR FORMERLY  
 SALEM CITY OF  
 S.E.D.R. BOOK 13027 PAGE 85

CANAL STREET

ROSE STREET

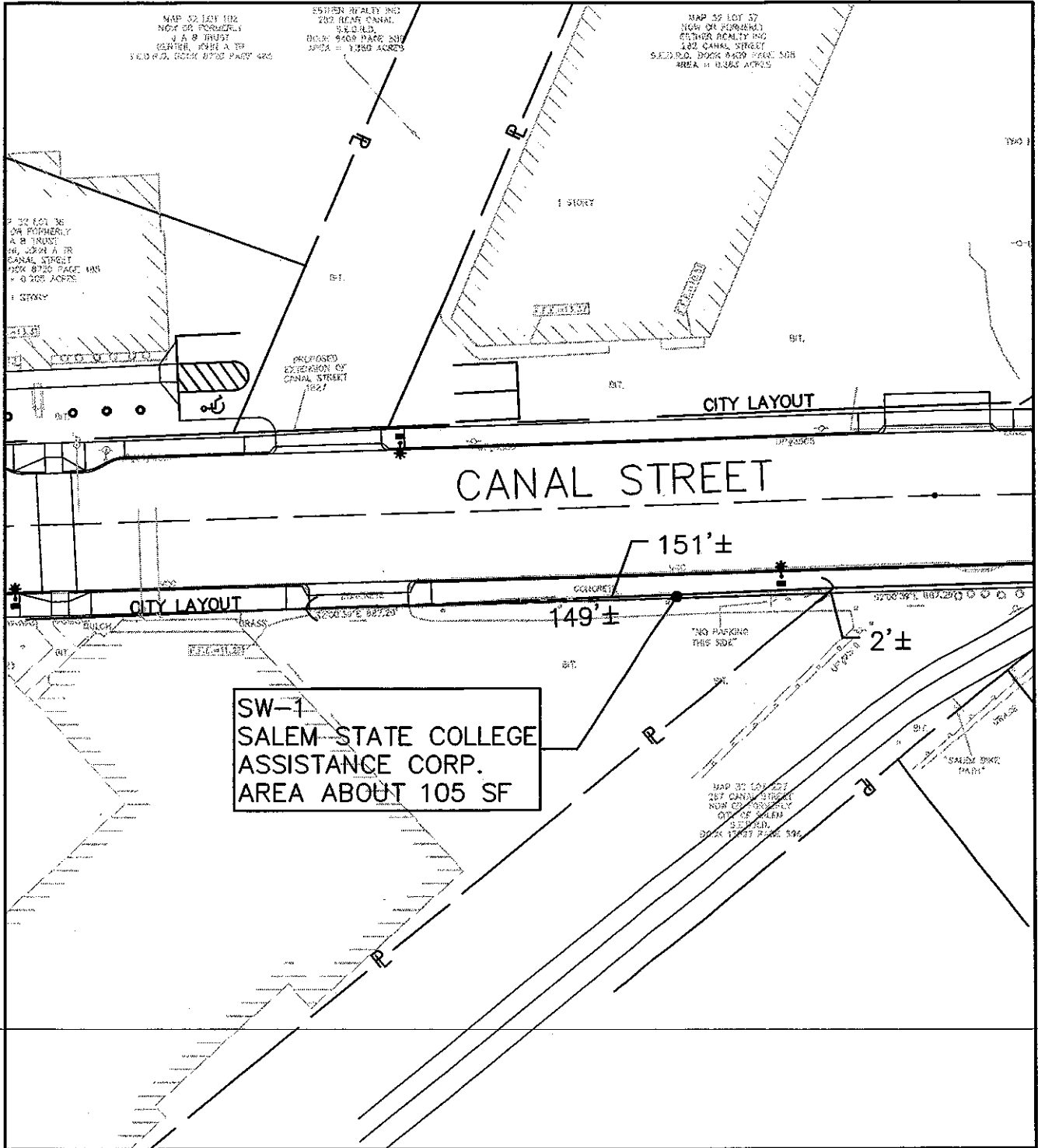
CITY LAYOUT

CANAL STREET RECONSTRUCTION  
 SALEM, MASSACHUSETTS



PARCEL REFERENCE: BK. 27260 PG. 87  
 PARCEL ADDRESS: 265 CANAL STREET





CANAL STREET RECONSTRUCTION  
SALEM, MASSACHUSETTS



HOR. SCALE IN FEET



PARCEL REFERENCE: BK. 27260 PG. 87  
PARCEL ADDRESS: 285 CANAL STREET



December 4, 2014

Thomas L. Guidi  
Attorney for Salem State University Assistance Corporation  
Hemenway & Barnes LLP  
60 State Street  
Boston, Massachusetts 02109-1899

Dear Mr. Guidi:

On behalf of the Board of Trustees of Salem State University, I would like to acknowledge your correspondence of November 19, 2014 regarding the permanent easement on property owned by the Salem State University Assistance Corporation that the SSUAC proposes to grant to the City of Salem.

The Salem State University Board of Trustees met in special session yesterday, December 3, 2014 to review and consider this action. As chair, I have been directed to inform you that the board has no objections to the granting of the easement as described in your letter (Exhibit A, attached).

Please do not hesitate to contact the Office of the Board of Trustees with any questions in this matter or if you are in need of further assistance.

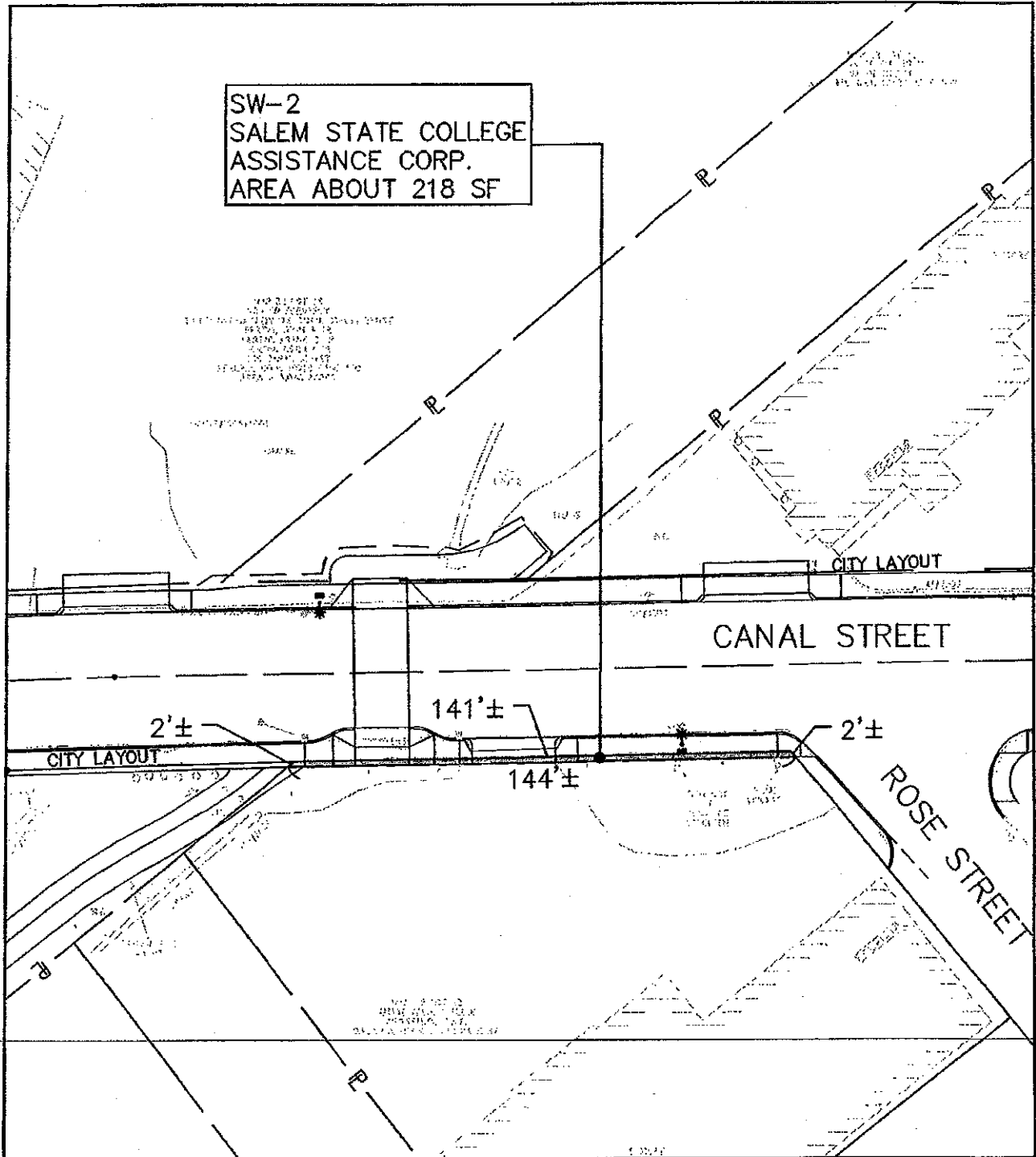
Sincerely,

A handwritten signature in cursive script that reads "Pamela C. Scott".

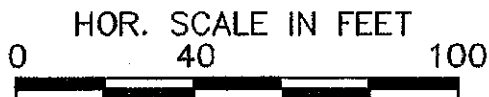
Pamela C. Scott  
Chair

cc: Patricia Maguire Meservey, President, Salem State University  
Salem State University Board of Trustees

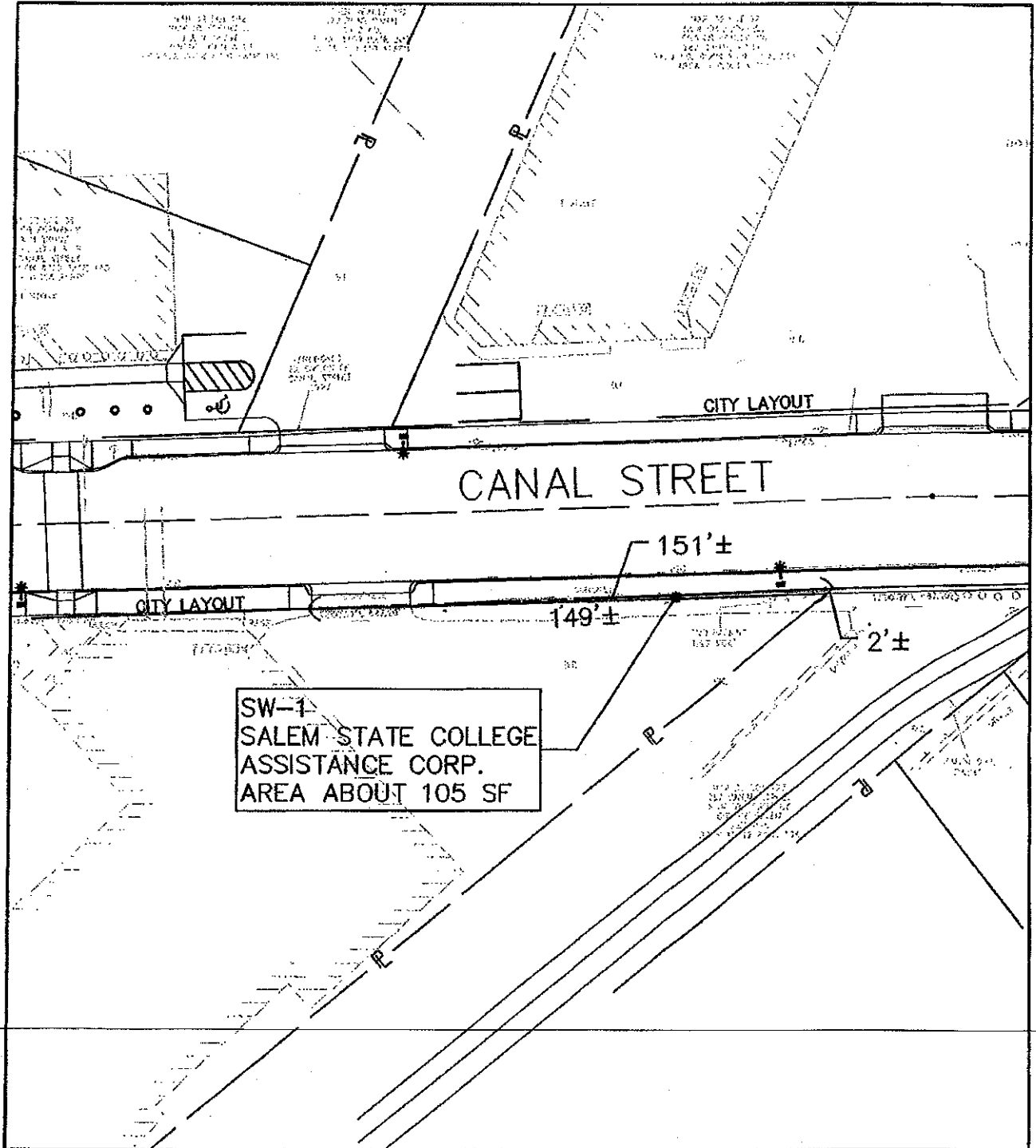
Exhibit A



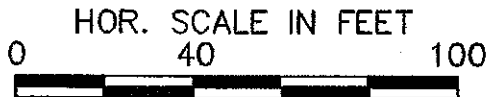
CANAL STREET RECONSTRUCTION  
SALEM, MASSACHUSETTS



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