

APPRAISAL REPORT
AND
VALUATION ANALYSIS

PROPERTY

1,652 ± Square Foot Proposed Temporary Easement for the
Assabet River Rail Trail Located at
10 Pine Street/Sylvia Street
Acton, Massachusetts 01720

DATE OF VALUATION

May 15, 2015

PREPARED FOR

Roland Bartl, Planning Director
Town of Acton
472 Main Street
Acton, MA 01720

PREPARED BY

Avery Associates
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June 1, 2015

Roland Bartl, Planning Director
Town of Acton
472 Main Street
Acton, MA 01720

RE: 1,652 ± Square Foot Proposed Temporary Easement for the
Assabet River Rail Trail Located at
10 Pine Street/Sylvia Street
Acton, Massachusetts 01720

Dear Mr. Bartl:

In fulfillment of our agreement, we are pleased to transmit this appraisal report, detailing our opinion of the impact on market value from temporary easement A-TE-45 at the underlying fee property, 10 Pine Street/Sylvia Street, Acton, Massachusetts. This appraisal is presented in the Narrative Appraisal Report format in accordance with our agreement. This non-complex appraisal report is designed to provide to you, as the intended user, conclusions only

Temporary Easement A-TE-45 is a 1,652 ± square foot, sideways “L” shaped temporary easement being secured for the proposed Acton Maynard Assabet River Rail Trail. The easement has a section along the south side of Sylvia Street and a section parallel to the existing rail bed. The easement area is a mix of overgrown shrubs and woods. The purpose of the temporary easement is to support construction of the rail trail, including slope grading, loam and seeding.

Based on this analysis, it is our opinion that the impact on market value from temporary easement A-TE-45 at the underlying fee property 10 Pine Street/Sylvia Street, Acton, MA, under the standard assumptions and limiting conditions, as of May 15, 2015, is:

ONE THOUSAND THREE HUNDRED TWENTY (\$1,320) DOLLARS

This letter must remain attached to the appraisal report, which contains 29 pages plus related exhibits, in order for the value opinion set forth to be considered valid.

Respectfully submitted,


Richard W. Bernklow, SRA
Massachusetts Certified General
Real Estate Appraiser #3111


Jonathan H. Avery, MAI, CRE
Massachusetts Certified General
Real Estate Appraiser #26

**APPRAISAL REPORT
NON-COMPLEX APPRAISAL ASSIGNMENT**

CITY/TOWN: Acton, Massachusetts
PROJECT: Acton Maynard Assabet River Rail Trail
PROJECT FILE #: 604531
OWNER'S NAMES: Curt & Michelle McKelvie
MAILING ADDRESS: 10 Pine Street/Sylvia Street, Acton, Massachusetts 01720
PROPERTY LOCATION: 10 Pine Street/Sylvia Street, Acton, Massachusetts 01720
DATE OF VALUATION: May 15, 2015

| <u>PARCEL NUMBER</u> | <u>AREA</u> | <u>INTEREST ACQUIRED</u> |
|----------------------|-------------|---|
| A-TE-45 | 1,652 ± SF | Temporary Construction Easement (3 Years) |

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PARCEL NUMBERS: A-TE-45

OWNER: Curt & Michelle McKelvie

PROJECT NUMBER: 604531

PROJECT: Maynard-Acton Assabet River Rail Trail

CLIENT USE AND RESTRICTION

This appraisal report was prepared, and its use is intended solely for the client (The Towns of Acton and Maynard) and its regulatory partners, for internal decision making in determining and awarding just compensation for the property rights acquired by furnishing an opinion of the impact on market value from the easement. This is a narrative Appraisal Report prepared for a non-complex appraisal assignment. The information contained in this report is specific to the needs of the client and for the intended use stated herein. The appraiser is not responsible for unauthorized use of this report.

PURPOSE OF THE APPRAISAL

The purpose of this assignment is to estimate the market value of the property affected and any legally compensable damages resulting from the acquisition of land and / or rights in land as determined by the laws of the Commonwealth of Massachusetts.

PROPERTY RIGHTS APPRAISED

We utilized the following document detailing a Temporary Easement in Conjunction with the Bruce Freeman Rail Trail in Acton on 144 Great Road, recorded in Book 64155, Page 595, dated August 28, 2014, at the Middlesex County South Registry of Deeds, which is considered to reflect similar property rights being acquired as detailed:

Now, therefore, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Grantor hereby grants, with quitclaim covenants, to Grantee, for the temporary term of three (3) years, the right and easement in gross to use the temporary Easement Area in common with the Grantor in connection with Grantee's Work within the Access Easement Area, including but not limited to the installation of drainage equipment (**specific to this cited easement only**) within the Access Easement Area.

With respect to the rights and easements hereby established, the Grantor and Grantee hereby agree as follows:

- a) The Grantee shall make reasonable efforts to minimize interference with the use of the Grantor's Land by the Grantor during the Grantee's construction and maintenance related to its use of the Temporary Easement Area and shall, in performing its work, exercise caution with respect to the condition of the Access Easement Area and the Temporary Easement Area.
- b) The Grantee shall undertake to maintain the temporary Easement Area as such area is used by the Grantee as provided herein and at the final conclusion of any work shall loam and seed the Temporary Easement Area.
- c) The grant of the rights and easements hereby conveyed to the Grantee is not intended to prohibit the use of the Easement Area by the Grantor and the Grantee's guest and invitees so long as an such use does not reasonably interfere with or prohibit the full and reasonable use and enjoyment by the Grantee of the rights and easements hereby granted, provided, however, that use and access to the Easement Area by Grantor and Grantee's guest and invites may be limited during actual construction activity in the reasonable discretion of Grantee.

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PROJECT: Maynard-Acton Assabet River Rail Trail

- d) The rights and obligations hereunder shall be binding upon and shall inure to the benefit of: (i) the grantor and the Grantee's successors and assigns as owners of the Grantor's Land and (ii) the successors and assigns of the Grantee.
- e) Grantor acknowledges that Grantee's contemplated work within the Temporary Easement Area is part of the planned Bruce Freeman Rail Trail, which is subject to construction, funding and design approvals by a third party. Notwithstanding anything set forth herein to the contrary, Grantor agrees to cooperate in any manner reasonable necessary to assist the Grantee in obtaining such construction, funding and design approvals.

The Temporary Easement herein is for the temporary acquisition of rights in a portion of a parcel of land. The term of this easement is for a maximum period of three (3) years.

EXTRAORDINARY ASSUMPTIONS AND HYPOTHETICAL CONDITIONS

No Extraordinary Assumptions or Hypothetical Conditions were utilized in this appraisal assignment.

ESTIMATED EXPOSURE TIME

Easements are not commonly marketed because the demand for them typically arises from the specific need of a single party. Therefore, to estimate an easement's exposure time we consider the time required to create, approve, draw up the plan an easement document, have the parcels appraised (if required) and negotiate a final payment figure. Exposure time is considered to happen prior to the date of valuation. It is our opinion, based on above criteria, that a reasonable exposure time for the subject easement is 6 to 12 months.

DEFINITION OF MARKET VALUE

Under established law, the criterion for just compensation is the *market value* of the property taken. The courts in the Commonwealth of Massachusetts have defined market value, as used in eminent domain proceedings, as:

"The highest price, in terms of money, which a hypothetical willing buyer would pay a hypothetical willing seller in an assumed free and open market, with neither party being under any obligation or compulsion to buy or sell".¹

¹ Epstein V. Boston Housing Authority, (1944) 58 N.E. 2nd 135, 317 Mass. 297

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A common method applied in partial acquisitions is valuation of the property before and after the acquisition. However, in instances where the impact is minor, such as in this instance, this method is not practical. Therefore, the commonly applied alternative method, applied herein, is:

Value of the Acquisition
(Plus) + Severance Damages
(Less) - Special Benefits
Value Difference

Severance damage is defined as “damages to the remainder property caused by a partial taking”². Special Benefits are defined as “benefits that arise from the peculiar relation of the land in question to the public improvement, usually resulting in a change in its highest and best use.”³ These are benefits that accrue to the property remaining after the acquisition.

This appraisal has been conducted under the jurisdiction of the Commonwealth of Massachusetts and therefore the definition of market value as determined by the courts of the Commonwealth of Massachusetts has been herein utilized.

THE DATE OF THE VALUE ESTIMATE AND PROPERTY INSPECTION

The subject property was inspected on April 30, 2015 and the property owner was given the opportunity to accompany the appraisers on the inspection. Inspection certificate is attached. All data, analysis and conclusions are based upon facts in existence as of the date of valuation. The effective date of valuation is May 15, 2015, due to additional inspections performed on the subject property. The date of this report is June 1, 2015.

SCOPE OF WORK NECESSARY TO COMPLETE THE ASSIGNMENT

A review has been made of municipal tax and zoning material and pertinent documents. Data has then been gathered pertinent to valuation of the property. The approaches to value employ many sources including municipal and county records, sales recording services, cost services and interviews with professionals active in the real estate field. Deeds were reviewed when available and data confirmed with parties to the transactions as a means of verification. Upon the verification of the data, recognized valuation techniques were then considered and developed, if applicable, in deriving value indications from cost, sales and income perspectives. Value indicators were reviewed and concurred with by Mr. Avery as they were then reconciled into the value estimate(s) found in this report.

² Principles of Right of Way, 4th Edition, 2012, Page 366

³ Dictionary of RE Appraisal 5th Edition, Page 183

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Per prior agreement with the client, the data, reasoning, and analysis utilized to arrive at the value opinion are only summarized in this non-complex assignment appraisal report. This appraisal is intended to conform to the existing MassDOT appraisal requirements, the Federal Highway Administration appraisal requirements of Uniform Act 49 CFR 24.103, as well as the current Uniform Standards of Professional Appraisal Practice (USPAP), pertaining to an Appraisal Report. The user is cautioned that the opinions and conclusions set forth in this report may not be properly interpreted or understood without the additional information which is retained in the appraiser's work file, and available for the client's review.

MUNICIPAL DATA

The subject is located in the affluent Middlesex County community of Acton. Its population according to the 2000 U.S. Census was 20,331, now climbing 7.84% according to the 2010 census figure to 21,924 persons. Median household income per 2010 census is \$115,677, a 26% increase over 2000 figure at \$91,624. The 2014 median price of a single-family house was \$525,000, up 9.2% from the 2013 median price of \$481,000 and only down -3.2% from the 2004 market peak price of \$542,500 and appears to be mostly recovered from the former market peak price of \$278,106 in 2006. Acton is best described as a modern, suburban community. Acton has used its advantageous position along Route 2 and nearby Interstate 495 to attract industry and build up its neighborhoods. As a result, the population has nearly tripled over the last 4 decades.

NEIGHBORHOOD DATA

The subject is located along Sylvia Street a small cul-de-sac located off Main Street (Route 27) in the southern section of town near the Maynard Line. Colonial Path is the most recent residential development in this established neighborhood, having been approved in 2000 but not built until 2006. Most other homes in the area are mixed in terms of styles and ages.

Route 27/Main Street is a busy roadway providing access into both Maynard and Acton. Acton Center is 3 miles north and a major shopping area is located at Kelley's Square, the intersection of Massachusetts Avenue (Route 111) and Route 27. The South Acton Train station is within ½ mile and is undergoing expansion with two tracks, improved access and new parking areas. The town of Maynard is within 1 mile south and the town purchased Maynard Country Club located near the town lines. The present residential market is strong in Acton with increasing median prices for houses and land. After a harsh winter, pent up demand is seen in both home buyers and buildings creating new homes. There are no immediate changes anticipated for the subject neighborhood.

PROJECT OVERVIEW: - PROJECT NO. 604531

The Assabet River Rail Trail is in the process of becoming a recreational trail in this area after years of planning. This will provide access from across Maynard north through Acton to the South Acton Train Station a total distance of 3.42 miles. Construction is expected to commence in late 2015 or early 2016. In our experience (and survey information regarding the local Minuteman Rail Trail) many abutting property owners enjoy a positive or at least neutral impact from proximity to a rail trail.

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PARCEL NUMBERS: A-TE-45

OWNER: Curt & Michelle McKelvie

PROJECT NUMBER: 604531

PROJECT: Maynard-Acton Assabet River Rail Trail

SUBJECT TITLE ABSTRACT, UTILITIES

Registry and District: Middlesex County South, Cambridge MA Registry of Deeds

Book 24853 Page 564

Grantor: Alan & Brenda McKelvie

Grantee: Curt & Michelle McKelvie

Date of Sale: September 14, 1994

Date Deed Recorded: September 14, 1994

Recorded Sale Price: \$1.00

Other Pertinent Data: No title examination report has been prepared for this assignment. The vacant site sold/was transferred in an intra-family transaction in 1994.

Encumbrances: Neither the deed nor recorded plan detail any easements. No noted encroachments.

Utilities Available: Water: Public – Per the municipality

Sewer: On Site Septic System

Electricity: At Street – Per observation

Gas: At Main Street – Per observation

Location of Underground Services: Not noted on property plan

ZONING AND RESTRICTIONS

Zoning District: Residence 2

Permitted Uses: Single-family, agricultural, education, religious, or municipal.

Dimensional Requirements:

Minimum Lot Area: 20,000 SF Minimum Lot Frontage: 150 Linear Feet

Minimum Setbacks: 30 ft. front, 10 ft. side yard, 10 ft. rear yard.

Minimum Lot Width: 50 Feet Maximum Building Height: 36 Feet

Open Space Requirements: None

The subject site is considered a legal, conforming building lot at the time of valuation.

ASSESSMENT / TAX OBLIGATION

| <u>Year</u> | <u>Address</u> | <u>Map Parcel</u> | <u>Land Assessment</u> | <u>Building Assessment</u> | <u>Total Assessment</u> | <u>Tax Rate</u> | <u>Taxes</u> | <u>CPA</u> | <u>Total Taxes</u> |
|-------------|----------------|-------------------|------------------------|----------------------------|-------------------------|-----------------|--------------|------------|--------------------|
| 2015 | 10 Pine Street | 12-4 | \$238,200 | \$405,500 | \$643,700 | \$19.05 | \$12,262.49 | \$183.94 | \$12,446.42 |

CITY / TOWN: Acton
OWNER: Curt & Michelle McKelvie
PROJECT NUMBER: 604531
PROJECT: Maynard-Acton Assabet River Rail Trail

PARCEL NUMBERS: A-TE-45

SUBJECT PHOTOGRAPHS



PHOTOGRAPH #1

PHOTOGRAPH SHOWS:
Photo along easement from rail line looking east up Sylvia Street.

SUBJECT:
A-TE-45

TAKEN BY:
RWB

DATE TAKEN:
4/16/2015

DIRECTION:
Facing east



PHOTOGRAPH #2

PHOTOGRAPH SHOWS:
Photo Along Easement from Sylvia Street south along stone wall/edge of the rail line.

SUBJECT:
A-TE-45

TAKEN BY:
RWB

DATE TAKEN:
4/16/2015

DIRECTION:
Facing south

CITY / TOWN: Acton

PARCEL NUMBERS: A-TE-45

OWNER: Curt & Michelle McKelvie

PROJECT NUMBER: 604531

PROJECT: Maynard-Acton Assabet River Rail Trail

DESCRIPTION OF LAND AND IMPROVEMENTS

No other real estate in the same ownership shares an integrated highest and best use with the subject fee (larger) parcel. No personal property is included in the subject.

Site: The underlying fee parcel consists of 127,969 ± square feet with 71.94 ± linear feet of frontage along Sylvia Street and 165 ± lf along Pine Street. The underlying fee parcel is oversize for the area and also extends to a likely right of way/owner unknown described on the plan from Sylvia Street and another likely right of way/owner unknown from Main Street. These appear to be unconstructed roads. The site has a modest slope down from Pine Street toward the rail line at the rear/western edge of the property. The size of this site and amount of frontage indicates it likely has potential for subdivision.

Improvements: The underlying fee parcel is improved with a two story, colonial style dwelling constructed in 1995 and with additions in 2003 and 2010, consisting of 8 rooms, 4 bedroom and 3.5 baths with a total living area of 2,819 square feet, along with brick fireplace, 2-car attached garage and both front and rear wooden decks. The house has clapboard siding, asphalt shingle roof, poured concrete foundation and insulated, double hung windows. The house is set back about 465 ± feet from Main Street and roughly 425 ± feet from Sylvia Street.

HIGHEST AND BEST USE – BEFORE THE ACQUISITION

No alternative use would provide as high a value as residential development. Because the fee property appears to meet the zoning requirements for independent development, as if vacant its highest and best use is for residential development. Considering the location, size, and condition of the improvements, we conclude that the highest and best use is for continued use as improved, residential development and in particular for 3 residential building lots.

SALES COMPARISON APPROACH

A permanent easement is valued in similar fashion as a fee property. While there are seldom arm's-length, market sales of easements, there are usually sales of land in fee. The values paid for land, and the type of easement (temporary or permanent) indicates the type of analysis used to estimate value.

The valuation of a permanent easement is first based on land sales, in order to estimate the fee simple value of the land area. Once this is estimated, then adjustments are made to the fee simple interest reflecting both the rights given over to the easement holder and the rights retained by the owner. Typically, an easement is not as valuable as the entire fee interest because the fee owner still retains many of the property rights.

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Our analysis presents a value of the fee simple interest in the subject property, before an estimate of the value of the permanent easement is made. This involves examination of land sales and applying a similar price per sf for the land area of the proposed subject easement. The indicator per sf used is based on market sales which are adjusted for size differences and other physical characteristics.

The underlying fee property contains 127,969 + square foot with frontage on Sylvia Street, Pine Street and an older right of way to Main Street. Based on the configuration and frontage along with the underlying zoning district, we believe it is possible to create 3 building lots at this property. The existing dwelling with the address 10 Pine Street would be retained on a single, oversize lot.

To estimate retail prices for the conceptual lots and because the underlying fee property meets zoning requirements for independent development, we sought and found sales examples of similar, residentially zoned land, with similar highest and best use. These comparable sales are summarized in the following sales chart:

ACTON LOT SALES SUMMARY

Survey through May 2015

| # | Address | Sale Price | Sale Date | Lot Size (sf) | Zoning | Price Per SF | Map/Parcel | Grantor Grantee | Bk/Page |
|---|-------------------|------------|-----------|---------------|--------|--------------|------------|-------------------------|-----------|
| 1 | 2 Colonial Path | \$250,000 | 15-Jan-13 | 24,306 | Res 2 | \$10.29 | H3B-68 | Castelline/Mosiac Homes | 60977/515 |
| 2 | L2A Laws Brook Rd | \$230,500 | 18-Apr-14 | 21,294 | Res 2 | \$10.82 | H4-148/9 | Dischino/Hawthome Hms | 63510/394 |
| 3 | 95 Newtown Road | \$265,000 | 13-Feb-15 | 63,067 | Res 4 | \$4.20 | E3-29 | Byers/Jeanson Blds | 64907/266 |

Sale 1 is located across Sylvia Street at the corner of Sylvia and Colonial Path. It is the best example of land values in the immediate area. This is a mostly clear site with a modest slope toward the former RR line. Sale 2 is a similar size lot in the same zoning district and supports the indicator from Sale 1. It is composed of mostly clear lawn. Sale 3 is oversize site located near town center. It was heavily wooded and has some impact from wetlands.

Examining these sales, we give weight to Sale 1 due to close proximity and to Sale 3 because of size. Our conceptual lots would all be closer to 1 acre in size than the 20,000 required in this zoning district. For this reason we relied on Sale 3 as the best indicator for retail lot prices and conclude a figure of \$265,000 per lot.

There are expenses required to create these conceptual lots. It will require construction of a small road (likely private similar in size and construction to Colonial Path), taxes, planning and approvals, real estate taxes and profit to motivate a buyer to create the development. These expenses are subtracted from an income stream created by selling the proposed lots. This is shown in the following table:

CITY / TOWN: Acton

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PROJECT: Maynard-Acton Assabet River Rail Trail

| Cost of Development Model | | |
|--|-----------------|----------------------|
| 10 Pine Street/3 House Lots Acton, MA | | |
| Income--Lot Sales | | <u>Year 1</u> |
| Lot 1 | 1 Ac | \$265,000 |
| Lot 2 | 1 Ac | \$265,000 |
| Lot 3 | 1 Ac | \$265,000 |
| | Subtotal | \$795,000 |
| <u>Expenses:</u> | | |
| Legal Approval & Septic Design | | \$30,000 |
| Road Construction 300 lf @ \$300 | | \$90,000 |
| Legal--Closing/Lot @ \$4.56/\$1000+ \$1000/Lot | | \$6,625 |
| Taxes | | \$12,446 |
| Marketing | 5% of Sales | \$39,750 |
| | Subtotal | \$178,821 |
| Developer's Profit | 15% | \$119,250 |
| Net Development Proceeds | | \$496,929 |
| | Rounded | \$500,000 |

After estimating retail prices, we calculated legal & approval costs, septic designs, road construction costs and a marketing fee to sell all lots. Our analysis occurs over 1 year, which should allow for both approvals and time to sellout the development. Lastly, we included a profit allowance to reward a developer for buying and selling out all three lots.

Our indicated market value then for the entire 127,969 sf subject site is \$500,000 which computes to \$3.99/sf (rounded to \$4.00) which is the figure applied to the easement area in our analysis.

CITY / TOWN: Acton

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PROJECT: Maynard-Acton Assabet River Rail Trail

MARKET VALUE CONCLUSION – BEFORE THE ACQUISITION

An in-depth write-up of the comparable sales, including photographs, is incorporated into the addendum. There is also a color map included therein indicating the location of the comparable sales in relationship to the subject property / project locus.

Using this information and analyses we conclude a value per sf of \$4.00. This fee simple value is now adjusted to reflect the impact the easement will have on the underlying fee property.

DESCRIPTION OF RIGHTS TO BE ACQUIRED & EFFECT ON REMAINDER

The subject is a temporary easement of 1,652 ± sf for no more than three years. None of the parcel's improvements is located within the easement. The proposed use of the subject easement is in conjunction with construction of portions of the planned Assabet River Rail Trail. The easement allows the process of grading, loaming and seeding for the rail trail. Based on our examination of the site, the improvements, and the easement area, it is our opinion that because of its location, size, and its temporary duration it will not have any impact to the remainder property.

WORK INCLUDED IN CONTRACT, IN LIEU OF DAMAGES

None noted; all disturbance of the temporary easement will be returned to its prior state before the taking once the time frame and activity is completed.

HIGHEST AND BEST USE – AFTER THE ACQUISITION

As if vacant, the underlying fee property's conformance with zoning requirements is unchanged after encumbrance with the proposed easement. Therefore, we conclude that its highest and best use of residential development remains for residential development of three lots. As improved, its highest and best use is unchanged by the location, imposition and timing of the subject easement. Therefore, the highest and best use for the underlying fee property as improved remains as presently improved after imposition of the subject easement, which includes the likelihood of supporting two additional house lots to be created by subdivision, with no delay anticipated because of temporary easement.

VALUATION OF TEMPORARY EASEMENT- A-TE-45

We concluded a unit value for the underlying fee parcel of \$4.00/sf. It is our opinion that the area of the subject easement exhibits the same unit value and its value as part of the whole is presented in the following calculation:

CITY / TOWN: Acton

PARCEL NUMBERS: A-TE-45

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PROJECT NUMBER: 604531

PROJECT: Maynard-Acton Assabet River Rail Trail

| <u>Name</u> | <u>Address</u> | <u>Size (sf)</u> | <u>Zoning</u> | <u>Indicator Per SF</u> | <u>Fee Simple Indicator</u> |
|-------------|----------------|------------------|---------------|-------------------------|-----------------------------|
| A-TE-45 | 10 Pine | 1,652 | Res | \$4.00 | \$6,608 |

Encumbrance of the subject property with the temporary easement has an impact on the value of the fee ownership. The rights given up include:

- Owner’s exclusive use of the property (quiet enjoyment) over the three year term of the easement is restricted.
- Owner’s ability to limit trespass on easement over the three-year term of the easement is restricted.
- Owner’s ability to develop the easement over the three-year term of the easement is restricted.
- Owner’s ability to place improvements on the easement over the three-year term of the easement
- Owner’s ability to change topography over the three-year term of the easement is restricted.
- Owner’s ability to fence off the easement over the three-year term of the easement is restricted.
- Owner’s ability to utilize the easement area for drainage over the three-year term of the easement
- Owner’s right of passage is allowed, but no new access ways or driveways may be created over the three-year term of the easement is restricted.

The owner’s retained rights include:

- Ownership of the property.
- Limited yard expansion in conjunction with the temporary use over the three-year term of the easement.
- Freedom from future liability because it is assumed by the easement holder over the three-year term of the easement is restricted.

It is our opinion that the resulting encumbrance by the temporary easement assigns a majority of the site’s utility and owner’s rights for the term of the easement. Because of these facts, encumbrance with the temporary easement has a value impact.

To conclude a per sf indicator of value to be applied to the subject as encumbered by the temporary easement, we consider that most of the rights have been transferred to the easement holder over the three-year term of the easement. As a result, we conclude the owner retains 20% of the value while the easement holder gains 80% of the value.

Temporary Easement A-TE-45 is a 1,652 ± sf sideways “L” shaped easement located along Sylvia Street at 10 Pine Street/Sylvia Street, and along the former rail line. The site is a mix of woods and overgrown shrubs and trees. We concluded an indicator at \$4.00/sf, based on the subject’s physical characteristics and potential for subdivision.

CITY / TOWN: Acton

PARCEL NUMBERS: A-TE-45

OWNER: Curt & Michelle McKelvie

PROJECT NUMBER: 604531

PROJECT: Maynard-Acton Assabet River Rail Trail

To calculate the value of the easement, we apply an 80% ratio to the estimated fee value to reflect the amount of value transferred to the easement holder. This adjustment incorporates the fact that the easement holder gains most of the parcel utility vs. the underlying fee owner for the period of the temporary easement. This adjustment is applied to the fee interest indication of value in order to present the easement value as follows:

| <u>Name</u> | <u>Address</u> | <u>Size (sf)</u> | <u>Zoning</u> | <u>Indicator Per SF</u> | <u>Fee Simple Indicator</u> | <u>Easement Percentage</u> | <u>Encumbered Value of Property</u> |
|-------------|----------------|------------------|---------------|-------------------------|-----------------------------|----------------------------|-------------------------------------|
| A-TE-45 | 10 Pine | 1,652 | Res | \$4.00 | \$6,608 | 80% | \$5,290 |

The value of a temporary easement is considered similar to an annual rent for the rights temporarily acquired. In this instance, land rights valued at \$5,290 are being rented. In more conventional appraisal assignments, an annual rent for the property being rented is estimated based upon a review of rental activity of similar property. This is not possible in this case since we found no recent rental activity involving similar temporary easements.

A combination of approaches is required for valuation of the temporary easement. Because the easement is temporary (three-year duration), the owner’s compensation is considered similar to a short term lease of the property. The market value for a temporary easement is similar to rent paid for the use of a property over the time duration of the temporary easement.

We therefore estimate the annual rent using an alternative technique. Rent is an annual return on the overall value of a property. For example, if a property is worth \$100,000 and the annual rent or income is \$10,000, then the rate of return on this investment is 10%. This rate of return is commonly referred to in real estate as a land capitalization rate and shown by the following formula: $Income = Rate \times Value$. Estimating the value of the temporary easement is accomplished by applying an appropriate annual rate of return to the easement value, which will result in an estimate of rent. To that end we present a list of sales of ground leased land and their land capitalization rates:

Ground Rent Capitalization Rates

| | <u>Property</u> | <u>Town</u> | <u>Sales Date</u> | <u>Property Type</u> | <u>Lot Size (ac)</u> | <u>NOI</u> | <u>Cap. Rate</u> | <u>Price</u> | <u>Term</u> |
|----|---------------------|----------------|-------------------|----------------------|----------------------|----------------|------------------|--------------|-------------|
| 1 | 639 Memorial Drive | Chicopee | Listing | McDonalds | 0.70 | \$78,000 | 4.11% | \$1,900,000 | 10+ Years |
| 2 | 323 Hancock St | Quincy | Listing | TD Bank | 0.64 | \$324,998 | 4.25% | \$7,647,000 | 40 Years |
| 3 | 317 Washington St. | Auburn | Listing | Santander Bank | 1.90 | \$127,120 | 5.75% | \$2,210,783 | 25 Years |
| 4 | 30 Liberty St. | Quincy | Listing | BJ Gas | 0.32 | \$190,000 | 4.47% | \$4,250,000 | 45 Years |
| 5 | 488 Bernardston Rd | Greenfield | February-15 | Stop/Shop Gas | 1.75 | \$128,000 | 6.06% | \$2,113,400 | 18 Years |
| 6 | 139 Boston Rd | Sutton | December-14 | Bank of America | 2.90 | \$158,000 | 5.50% | \$2,872,727 | 10+ Years |
| 7 | Crossroads @ 24 | Fall River | September-14 | McDonalds | 0.50 | \$84,942 | 3.96% | \$2,145,000 | 50 Years |
| 8 | 1013 County Street | Taunton | May-13 | Olive Garden | 3.18 | \$136,620 | 7.19% | \$1,900,000 | 20 Years |
| 9 | 217 College Highway | Southwick | August-12 | CVS | 2.24 | \$180,000 | 6.00% | \$3,000,000 | 25 Years |
| 10 | 340 River Street | Cambridge | February-12 | Whole Foods | 1.78 | \$707,600 | 5.80% | \$12,200,000 | 12 Years |
| 11 | 495 State Road | Dartmouth | November-11 | Walgreens | 1.59 | \$435,000 | 7.50% | \$5,800,000 | 74 Years |
| 12 | 10-20 Stevens St. | Andover | April-10 | US Post Off. | 6.62 | \$92,540 | 6.61% | \$1,400,000 | 17 Years |
| 13 | 1453 Pleasant St. | Bridgewater | April-09 | Home Depot | 27.00 | \$825,000 | 7.14% | \$11,550,000 | 30 Years |
| 14 | 125 Highland Ave | Seekonk | December-08 | Stop/Shop | 3.54 | \$889,680 | 6.74% | \$13,200,000 | 25 Years |
| 15 | 724-730 W. Central | W. Bridgewater | December-08 | Lowes | 26.44 | \$625,000 | 7.00% | \$8,931,013 | 74 Years |
| | | | | | | Average | 5.79% | | |

CITY / TOWN: Acton

PARCEL NUMBERS: A-TE-45

OWNER: Curt & Michelle McKelvie

PROJECT NUMBER: 604531

PROJECT: Maynard-Acton Assabet River Rail Trail

Most of these examples are for retail properties, which is where ground leases are more common. The above chart and the examples presented display the return on rents based on the durability, quality and predictability of cash flow. Uncertainty adds risk, which increases the property's capitalization rate and corresponding rent.

As this chart details the most appealing properties have the lowest rates because they are well known and have national reputation and good credit ratings. These retail indicators set the low end of the range for our analysis from 3.96% to 7.5%.

There are much fewer sources of rates of return available for residential real estate. We investigated American Residential Properties, Inc. a Real Estate Investment Trust that owns 9,038 homes across the country and according to its quarterly statement for March 2015, the average return on investment based on the rent achieved and on sales price of a dwelling along with any capital expenditures was 10.2% from a range from m 8.5% to 12.5%. Based upon a review of these examples, it is our opinion that an appropriate rate of return for the subject land is 9%, and shown in the following calculation:

| <u>Name</u> | <u>Address</u> | <u>Size (sf)</u> | <u>Indicator</u> | | <u>Encumbered</u> <u>Value of</u> <u>Property</u> | <u>Rate of</u> <u>Return</u> | <u>Indicated</u> | | |
|-------------|----------------|------------------|---------------------------------------|--------------------------------------|---|---------------------------------|------------------------------|----------------|-------|
| | | | <u>Fee Simple</u> <u>Indicator</u> | <u>Easement</u> <u>Percentage</u> | | | <u>Annual</u> <u>Rent</u> | <u>Rounded</u> | |
| A-TE-45 | 10 Pine | 1,652 | \$4.00 | \$6,608 | 80% | \$5,290 | 9% | \$476 | \$480 |

Because the term of the temporary easement is more than one year we trend the estimated rental rate out into the future for three years. We examined the annual CPI change over the last 10 years and found this averaged 2.1%. Considering these data points we have concluded an annual rent increase at 2.5% for 3 years. This is shown in the following calculation:

| <u>Name</u> | <u>Size (sf)</u> | <u>Indicated</u> | | | |
|-------------|------------------|------------------------------|-----------------------------------|-----------------------------------|-----------------------------------|
| | | <u>Annual</u> <u>Rent</u> | <u>1st Year</u> <u>Rounded</u> | <u>2nd Year</u> <u>Rounded</u> | <u>3rd Year</u> <u>Rounded</u> |
| A-TE-45 | 1,652 | \$476 | \$480 | \$492 | \$504 |

In order to reflect the full payment in advance for the temporary easement three years into the future we have discounted the forecast of future rent to the present. This is based on the principle that a dollar paid today is worth more than a dollar promised in the future.

To estimate a discount rate we utilized data from the National Association of Real Estate Investments Trust on their returns. According to NCREIF 3rd Quarter Summary 2014 (last available) detailed quarterly returns of 2.63% which was split between Income (1.31%) and Appreciation (1.32%). Over the last 4 quarters, the total return was 11.26% of which 5.41% was due to income and 5.62% was for appreciation. We considered the income portion of this total a good measure for an applicable discount rate, (rounded up to 6%) because it is only applicable to income, in similar fashion as our rent projection for the subject temporary easement.

CITY / TOWN: Acton

PARCEL NUMBERS: A-TE-45

OWNER: Curt & Michelle McKelvie

PROJECT NUMBER: 604531

PROJECT: Maynard-Acton Assabet River Rail Trail

We believe that due to the town and state cooperating on this endeavor the risk should be very low and therefore the discount should be low as well. Because of this fact and the lesser perceived risk of the investment, we have used a discount rate of 6%, based on the available NCREIF information. Therefore, after making the projection of annual economic rent and trending it out for 3 years using a CPI based adjustment, we then discount the rent projections back to the present at a 6% rate.

| <u>Name</u> | <u>Size (sf)</u> | <u>Indicated</u> | | | <u>Net Present Value @ 6%</u> | <u>Rounded Value</u> | |
|-------------|------------------|--------------------|-------------------------|-------------------------|-------------------------------|----------------------|-------------------------|
| | | <u>Annual Rent</u> | <u>1st Year Rounded</u> | <u>2nd Year Rounded</u> | | | <u>3rd Year Rounded</u> |
| A-TE-45 | 1,652 | \$476 | \$480 | \$492 | \$504 | \$1,314 | \$1,320 |

RECONCILIATION AND FINAL OPINION OF VALUE

The subject is a temporary easement of 1,652 ± square feet located along the southern edge of the underlying fee property at 10 Pine Street, Acton. The temporary easement is being acquired for grading, loam and seed for the abutting rail trail. The subject rights comprise a minor interest in the fee of the larger parcel.

We first estimated the market value for the fee simple interest in the subject easement, based on an across the fence valuation technique. Second, the fee simple interest was discounted reflecting the retained and given up rights in the subject easement. Third, we applied the Income = Rate x Value (I=R x V) formula in order to estimate an annual rent appropriate to the subject’s market value. This annual rent was trended out the three years of the easement life and then discounted back to a present value. This is done because a dollar received today is more valuable than a dollar received in the future. This entire process is considered the best method of analysis of the subject property and because of the credible market evidence considered to conclude the easement’s market value. There are no cost to cure items that accrue to the fee ownership. The summary of the calculations follows:

| | | |
|--------------------------|--|-------------------|
| PARCEL A-TE-45 | (1,652 ± SF) Temporary Construction Easement | = \$ <u>1,314</u> |
| COST TO CURE ITEMS | | = \$ <u>0</u> |
| OPINION OF TOTAL DAMAGES | | \$ <u>1,314</u> |
| ROUNDED TO | | \$ <u>1,320</u> |

SEVERANCE

The remainder property’s productivity is unchanged by the easement, and the impact of the project is neutral if not favorable on the remainder property. There is no severance.

SPECIAL BENEFITS

No subject-specific and material change in the fee property’s utility occurs as a result of the easement. The fee property experiences no special benefit.

**TOTAL INDICATED DAMAGES FOR THE TEMPORARY ACQUISITION AND COST TO CURE ITEMS ARE:
ONE THOUSAND THREE HUNDRED TWENTY (\$1,320) DOLLARS**

CERTIFICATE OF THE APPRAISER - USPAP Standards Rule 2-3

I hereby certify that, to the best of my knowledge and belief:

- That on April 30, 2015, and May 15, 2015, I/we personally made a field inspection of the property herein appraised and afforded the owner, or his/her designated representative, the opportunity to accompany me on the inspection. I have also, on May 21, 2015, personally made field inspections of the individual comparable sales relied upon in making said appraisal. The property being appraised, and the comparable sales relied upon in making this appraisal, were as represented in this appraisal.

- The statements of fact contained in this report are true and correct, subject to the limiting conditions herein set forth.

- The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions and are my personal, impartial, and unbiased professional analyses, opinions, and conclusions.

- I have no present or prospective interest in the property that is the subject of this report and no personal interest or bias with respect to the parties involved. I will not directly or indirectly benefit from the acquisition of such property appraised.

- My engagement in this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.

- My analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the current Uniform Standards of Professional Appraisal Practice.

- No one provided significant real property appraisal assistance to the person signing this certification.

- The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions and legal instructions, and are my personal, unbiased professional analyses, opinions and conclusions.

- That to the best of my knowledge no portion of the value assigned to the property appraised consists of items which are non compensable under the established law of the Commonwealth of Massachusetts.

- That I have no direct or indirect present or contemplated future personal interest in such property or in any benefit from the acquisition of such property appraised.

- That I have not revealed the findings and results of such appraisal to anyone other than the client and I will not do so until so authorized by said client, or until I am required to do so by due process of law, or until I am released from this obligation by having publicly testified as to such findings.

- I have performed no services, as an appraiser or in any other capacity, regarding the property that is the subject of this report within the three year period immediately preceding the acceptance of this assignment.

- That any decrease or increase in the market value of real property prior to the date of valuation caused by the public improvement for which such property is acquired, or by the likelihood that the property would be acquired for such improvement, other than that due to physical deterioration within the reasonable control of the owner, was disregarded in determining the compensation for the property.

- That I have collected and analyzed relevant data, and applied appropriate valuation techniques and methods. As a result of my analysis, it is my opinion that the value of the property to be acquired and the damages to the remainder, if any, based upon my independent appraisal and the exercise of my professional judgment as of the effective date of appraisal (May 15, 2015) is:

ONE THOUSAND THREE HUNDRED TWENTY (\$1,320) DOLLARS

\$1,320.00

Signature 
Richard W. Bernklow, SRA

6-1-15
Date

Massachusetts Certified General Real Estate Appraiser **#3111** Expires: **12/27/2015**

CERTIFICATE OF THE APPRAISER - USPAP Standards Rule 2-3

I hereby certify that, to the best of my knowledge and belief:

- That on April 30, 2015, I/we personally made a field inspection of the property herein appraised and afforded the owner, or his/her designated representative, the opportunity to accompany me on the inspection. **I did not personally** make field inspections of the individual comparable sales relied upon in making said appraisal. The property being appraised, and the comparable sales relied upon in making this appraisal, were as represented in this appraisal.

- The statements of fact contained in this report are true and correct, subject to the limiting conditions herein set forth.

- The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions and are my personal, impartial, and unbiased professional analyses, opinions, and conclusions.

- I have no present or prospective interest in the property that is the subject of this report and no personal interest or bias with respect to the parties involved. I will not directly or indirectly benefit from the acquisition of such property appraised.

- My engagement in this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.

- My analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the current Uniform Standards of Professional Appraisal Practice.

- No one provided significant real property appraisal assistance to the person signing this certification.

- The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions and legal instructions, and are my personal, unbiased professional analyses, opinions and conclusions.

- That to the best of my knowledge no portion of the value assigned to the property appraised consists of items which are non compensable under the established law of the Commonwealth of Massachusetts.

- That I have no direct or indirect present or contemplated future personal interest in such property or in any benefit from the acquisition of such property appraised.

- That I have not revealed the findings and results of such appraisal to anyone other than the client and I will not do so until so authorized by said client, or until I am required to do so by due process of law, or until I am released from this obligation by having publicly testified as to such findings.

- I have performed no services, as an appraiser or in any other capacity, regarding the property that is the subject of this report within the three year period immediately preceding the acceptance of this assignment.

- That any decrease or increase in the market value of real property prior to the date of valuation caused by the public improvement for which such property is acquired, or by the likelihood that the property would be acquired for such improvement, other than that due to physical deterioration within the reasonable control of the owner, was disregarded in determining the compensation for the property.

- That I have collected and analyzed relevant data, and applied appropriate valuation techniques and methods. As a result of my analysis, it is my opinion that the value of the property to be acquired and the damages to the remainder, if any, based upon my independent appraisal and the exercise of my professional judgment as of the effective date of appraisal (May 15, 2015) is:

ONE THOUSAND THREE HUNDRED TWENTY (\$1,320) DOLLARS
\$1,320.00

Signature Jonathan H. Avery
Jonathan H. Avery, MAI, SRA

6-1-15
Date

Massachusetts Certified General Real Estate Appraiser **#26**

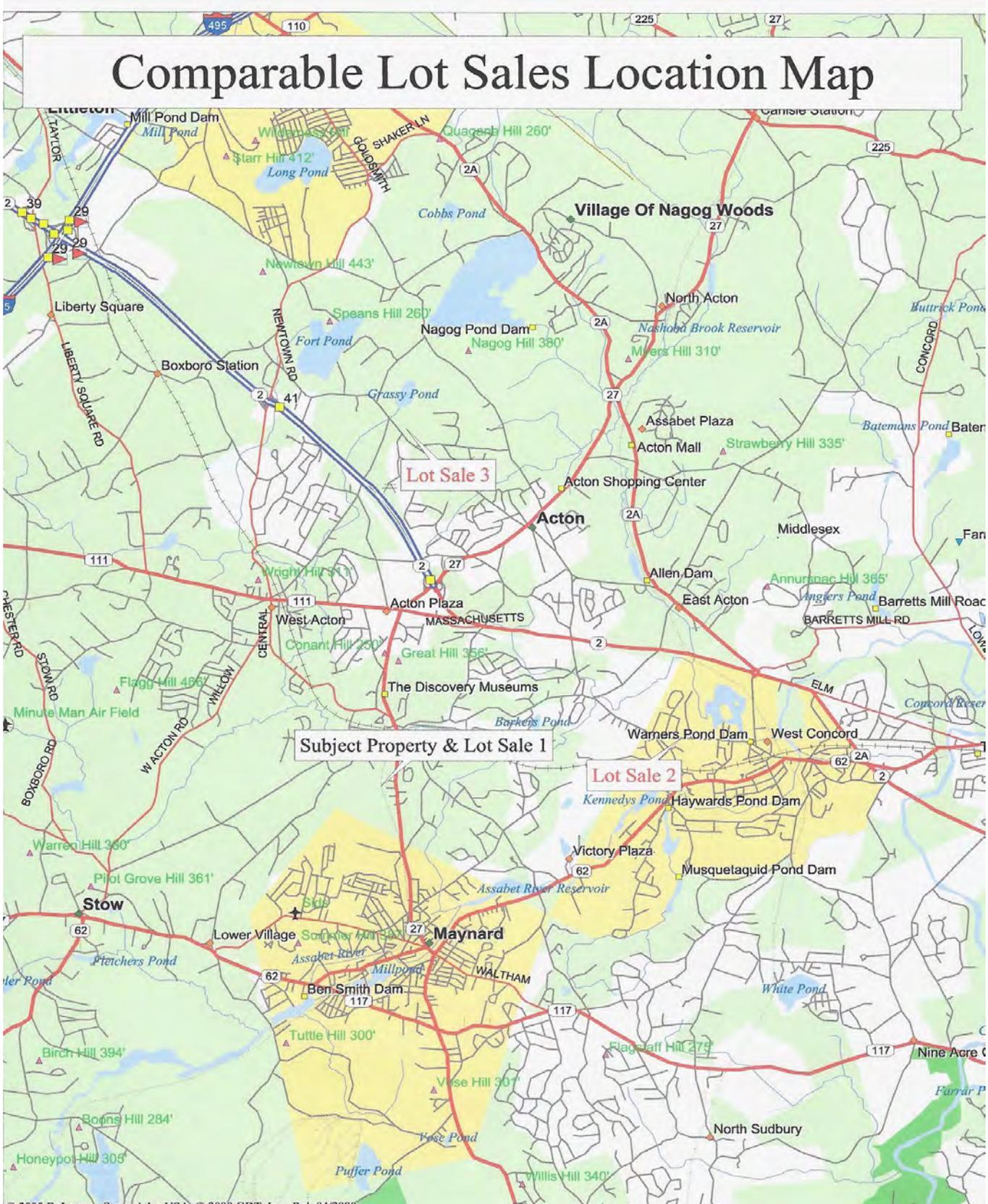
Expires: 3/11/16

ASSUMPTIONS AND LIMITING CONDITIONS

This appraisal report has been made subject to the following assumptions and limiting conditions:

- This Appraisal Report is intended to comply with the reporting requirements set forth under Standard Rule 2-2 of the current Uniform Standards of Professional Appraisal Practice pertaining to a written appraisal report. The use of this report is intended solely for the client (Towns of Acton & Maynard), and its regulatory partners, for internal decision making in determining and awarding just compensation for the property rights acquired by furnishing an opinion of market value and / or damages. The user is cautioned that the opinions and conclusions set forth in this report may not be properly interpreted or understood without the additional information and supporting documentation concerning the data, reasoning, and analyses which is retained in the appraiser's work file. The information contained in this report is specific to the needs of the client and for the intended use stated in this report. The appraiser is not responsible for unauthorized use of this report.
- This is a Non-Complex Assignment Appraisal Report specifically prepared for the herein stated client, for a non-complex appraisal assignment, where the total award of damages is estimated to be \$10,000.00 or less.
- Our analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice and requirements of the Code of Professional Ethics and the Standards of Professional Practice of the Appraisal Institute.
- The use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.
- Mr. Bernklow and Mr. Avery are currently certified under the voluntary continuing education program of the Appraisal Institute.
- As of the date of this report, Richard Bernklow has completed the Standards and Ethics Education Requirements for (Candidates or Practicing Affiliates) of the Appraisal Institute.

COMPARABLE SALES LOCATION MAP RELATIVE TO THE SUBJECT PROPERTY / PROJECT



COMPARABLE SALE NUMBER ONE



SALES DATA

Address: 2 Colonial Path
Sale Price: \$250,000
Price per Square Foot: \$10.29
Date of Sale: January 10, 2013
Date Deed Recorded: January 15, 2013
Title Reference: MCSR Registry Book 60977, Page 515
Property Rights Conveyed: Fee Simple
Condition of Sale: Arm's Length Transaction
Grantor: David & Paul Castelline
Grantee: Mosaic, LLC/Paul Gaboury, Manager

DESCRIPTION OF THE SITE

Land Area: 24,306 ± square feet per deed & recorded plan
Frontage: 178.4 linear feet on Sylvia St./174.27 If Colonial Path linear feet
Depth: 180 +/- linear feet per plan
Lot Shape: Mostly Rectangular
Topography: Starts at road grade and slopes toward rear/north side of site
Easements:
Utilities: Water, Electricity, gas telephone—on site septic
Zoning: R-2 Residential
Neighborhood: Residential
Use Restrictions: None
Highest and Best Use: Residential Use
Source of Information: David Castelline/Grantor, Deed, Inspection, Recorded Plan, Assessors

GENERAL COMMENTS: This sale is for the site where the Temporary Easement A-TE-47 is being imposed, when sold in 2013 before development with a new dwelling. Colonial Path is a private way maintained by a homeowners association. The site was formerly improved with an older house (11 Sylvia) which was razed as part of the subsection created in 2006. The property sold with a new dwelling for \$837,539 in July 2013. This is the most recent sale and most proximate sale to the subject property we found in our research. This sold with an easement along the boundary with Lot 2 for an area to include the septic system for the abutting lot. This extends along the frontage/boundary between the lots, 15 feet wide and 100 feet deep. This easement is not considered to be adverse to market value and is accepted within this small subdivision.

COMPARABLE SALE NUMBER TWO



SALES DATA

| | |
|---------------------------|---|
| Address: | Lot 2A/51 Lawsbrook Road |
| Sale Price: | \$230,500 |
| Price per Square Foot: | \$10.82 |
| Date of Sale: | April 15, 2014 |
| Date Deed Recorded: | April 18, 2014 |
| Title Reference: | MCSR D Registry Book 63510, Page 394 |
| Property Rights Conveyed: | Fee Simple |
| Condition of Sale: | Arm's Length Transaction |
| Grantor: | 1 Old Colony RT/Dischino |
| Grantee: | Hawthorne Homes, LLC/Kirk Ware, Manager |

DESCRIPTION OF THE SITE

| | |
|------------------------|---|
| Land Area: | 21,294 ± square feet per deed & recorded plan |
| Frontage: | 165.6 linear feet on Lawsbrook Road |
| Depth: | 260 +/- linear feet per plan |
| Lot Shape: | Mostly Rectangular |
| Topography: | Mostly level at road grade across site |
| Easements: | None noted on deed or plan |
| Utilities: | Water, Electricity, gas telephone—on site septic |
| Zoning: | R-2 Residential |
| Neighborhood: | Residential |
| Use Restrictions: | 3 bedroom septic restriction |
| Highest and Best Use: | Residential Use |
| Source of Information: | Patricia Blair/Broker, Deed, Inspection, Recorded Plan, Assessors |

GENERAL COMMENTS: This sale is of a lot subdivided from a large property located at 1 Old Colony Road, which is at the corner of Lawsbrook Road and Old Colony Lane. The majority of the site is rectangular, but in order to achieve the required frontage a triangular section was given up by 1 Old Colony along Lawsbrook. The property has a 3 bedroom septic restriction because the site is close to an area of Acton where 3 wellheads are located. The site was mostly cleared lawn at the time of sale and is level across the site. The buyer is a home builder who constructed a new 9-3-2.5 colonial which sold for \$720,000 in May 2015. The lot was on the market for 26 days and was bid up in price more than \$5,000 over list price.

COMPARABLE SALE NUMBER THREE



SALES DATA

| | |
|---------------------------|------------------------------------|
| Address: | 95 Newtown Road |
| Sale Price: | \$265,000 |
| Price per Square Foot: | \$4.20 |
| Date of Sale: | January 22, 2015 |
| Date Deed Recorded: | February 13, 2015 |
| Title Reference: | MCSR Registry Book 64907, Page 266 |
| Property Rights Conveyed: | Fee Simple |
| Condition of Sale: | Arm's Length Transaction |
| Grantor: | Douglas & Ann Buyers |
| Grantee: | Jeanson Builders, LLC |

DESCRIPTION OF THE SITE

| | |
|------------------------|---|
| Land Area: | 63,067 ± square feet per deed & recorded plan |
| Frontage: | 175 linear feet on Newtown Road per plan |
| Depth: | 300 +/- linear feet per plan |
| Lot Shape: | Very Irregular |
| Topography: | Rises up 2-4 feet above road grade |
| Easements: | None noted |
| Utilities: | Well & Septic, Electricity & Telephone |
| Zoning: | R-4 Residential |
| Neighborhood: | Residential |
| Use Restrictions: | None |
| Highest and Best Use: | Residential Use |
| Source of Information: | Edith Hill/Broker, MLS, Deed, Plan, Inspection, Assessors |

GENERAL COMMENTS: This is the sale of a wooded lot located on Newtown Road near town center. The area is composed of mix of vacant land and newer homes. Many older houses in the area have been torn down in favor of new construction. This is a highly irregular shaped lot that was also wooded and with some impact from wetlands along the northeast corner of the lot. The lot was subdivided from a larger lot at 97 Newtown Road. The land was sold with a 4 bedroom septic design and was listed for sale at \$250,000. The final price was bid up over asking price due to completion from buyers.

SUBJECT DEED

BK 24853 PG 564

JH

QUITCLAIM DEED

559

We, Alan C. McKelvie and Brenda E. McKelvie, husband and wife, both
of Acton, Middlesex County, Massachusetts,

for consideration paid in the amount of \$1.00

grant to Curt A. McKelvie and Michelle Lee McKelvie, husband and wife, as
tenants by the entirety, both

of 107 Swanson Road, #10, ^{JOL}Boxborough, Massachusetts 01719

with QUITCLAIM COVENANTS
(Description)

Prop: Lot B, Pine St, Acton

SEE DESCRIPTION ATTACHED HERETO
AS SCHEDULE 'A'

PLAN No # 895
2/4/85
3

The consideration for this transfer being less than \$100.00, no documentary
stamps are required by law.

Executed as a sealed instrument this _____ day of September, 1994.

Alan C. McKelvie
Alan C. McKelvie

Brenda E. McKelvie
Brenda E. McKelvie

The Commonwealth of Massachusetts

MIDDLESEX, ss.

September, 1994

Then personally appeared the above named Alan C. McKelvie and
Brenda E. McKelvie and acknowledged the foregoing instrument to be
their free act and deed, before me,

Maurice McWalsh, Jr.
Notary Public-Maurice McWalsh, Jr.
My commission expires: 9/18/96

MSD 09/14/94 01:28:24 488 25.00

SCHEDULE "A"
(description)

A certain parcel of land with the improvements thereon situated on the Northerly and Westerly side of Pine Street, Acton, Middlesex County, Massachusetts, being shown as Lot B on a plan entitled, "Plan of Land in Acton, Mass. Owned by Alan C. McKelvie, Alan C. and Brenda E. McKelvie"; Scale 1 inch = 50 feet; dated June 29, 1990; revised August 23, 1994; David W. Perley, Civil Engineers, Concord, Mass., which plan is to be recorded herewith, bounded and described as follows:

SOUTHERLY by Pine Street, as shown on said plan, 125.00 feet;
 EASTERLY by Pine Street, as shown on said plan, 40.00 feet;
 SOUTHERLY by Lot A, as shown on said plan, 125.00 feet;
 EASTERLY by Lot A, as shown on said plan, 80.00 feet;
 SOUTHERLY by land now or formerly of Burvil, as shown on said plan, 177.50 feet;
 WESTERLY by land now or formerly of the B & M Railroad, as shown on said plan, by six distances, measuring respectively 22.40 feet, 98.94 feet, 99.40 feet, 98.67 feet, 96.95 feet, and 98.66 feet;
 NORTHERLY by Sylvia Street, as shown on said plan, 71.94 feet;
 EASTERLY by land now or formerly of Phelps, as shown on said plan, 170.30 feet;
 NORTHERLY by land now or formerly of Phelps, owner unknown, and now or formerly of Files, as shown on said plan, 290.00 feet;
 EASTERLY by land of owners unknown and land now or formerly of Tolman, 120.00 feet;
 NORTHERLY by land now or formerly of Tolman, as shown on said plan, 125.00 feet;
 EASTERLY by land now or formerly of King, as shown on said plan, 100.00 feet;

Containing an area of 127,969 square feet, as shown on said plan. Intending to convey and hereby conveying Lot B, as shown on said plan, however otherwise bounded, measured or described.

For the Grantor's title, see deed of Post No. 7016, Veterans of Foreign Wars of the United States, Inc., dated May 27, 1976 and recorded with Middlesex South District Registry of Deeds in Book 12986, Page 266, and deed of Jennie S. Alto, Administratrix, dated October 25, 1984 and recorded with said Deeds in Book 15871, Page 400.

OWNERS CONTACT LETTER



Planning Department

TOWN OF ACTON

472 Main Street
Acton, Massachusetts 01720
Telephone (978) 929-6631
Fax (978) 929-6340
planning@acton-ma.gov
www.acton-ma.gov

April 6, 2015

Mrs. Michelle McKelvie and Mr. Curt McKelvie
10 Pine Street
Acton, MA 01720

**RE: Assabet Rail Trail – Temporary Easement (A-TE-45) at 10 Pine Street, Acton
Seeking permission to view property on April 16, 2015**

Dear Ms. and Mr. McKelvie:

I am writing in regards to the Assabet Rail Trail (ARRT) in Acton and property you own at **10 Pine Street**. The ARRT construction plan calls out a +/-1,652 sq. ft. temporary easement to adjust grading and finish with loam & seed. This easement is shown on the Preliminary Right of Way (ROW) Plan for the Assabet River Rail Trail, prepared by Greenman-Pederson, Inc. for the MassDOT Highway Division, dated March 19, 2015. See enclosed enlargement from said ROW plan (light blue).

The ARRT is a federally funded project. A copy of the “Federal Aid Acquisition Guide for Property Owners” is included here as an attachment. Under federal rules you are entitled to this notification regarding the proposed easements. You are further entitled to receive fair market compensation for the value of the easements, which you may accept or waive as you wish, now or at a later time. Easements are recorded in the Registry of Deeds or Land Court. Temporary easements generally have a three year duration.

The fair market value must be evaluated by a qualified appraiser and established by a review appraiser. The Town has engaged Avery Associates and William LaChance, MAI to conduct appraisals, where needed. To facilitate the process, and in accordance with federal project rules, we have set aside **April 16, 2015** to meet with you, the appraiser and review appraiser at the property, if you so desire. Please contact

Thank you -

A handwritten signature in cursive script that reads "Roland Bartl". The signature is written in black ink and is positioned above the typed name.

Roland Bartl, AICP
Planning Director

Enclosures:
Federal Aid Acquisition Guide for Property Owners
Easement Plan (enlargement)
Appraiser's Affidavit

Cc: Steve Ledoux, Town Manager
Jonathan Avery, Avery Associates
William Lachance, Petersen LaChance Regan Pino, LLC

APPRAISER'S AFFIDAVIT



Deval L. Patrick, Governor
Richard A. Davey, Secretary & CEO
Frank DePaola, Administrator

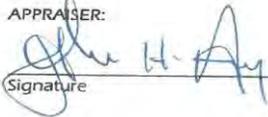


**APPRAISER'S
AFFIDAVIT**

I, Jonathan Avery, Avery Associates, HEREBY CERTIFY:

that on April 30 2015, I afforded the Owner or the Owner's Representative the opportunity to accompany me on the inspection of the property located at, 10 Pine Street, Acton MA

APPRAISER:


Signature

4-30-15
Date

OWNER:


Signature

4-30-15
Date

OWNER'S REPRESENTATIVE:

Signature

Date

Leading the Nation in Transportation Excellence

Ten Park Plaza, Suite 4160, Boston, MA 02116
Tel: 857-368-4636, TTY: 857-368-0655
www.mass.gov/massdot

QUALIFICATIONS

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| QUALIFICATIONS OF RICHARD W. BERNKLOW REAL ESTATE APPRAISER |
|--|

EDUCATION

- B.A. University of Lowell, Lowell, Massachusetts
- Appraisal Institute

| | | |
|------------|---|---------|
| Course 101 | Introduction to Appraising Real Property | 1988 |
| Course 201 | Applied Residential Property Valuation | 1989 |
| Course 310 | Capitalization Theory & Techniques | 1992 |
| Course 510 | Advanced Capitalization Techniques | 1993 |
| Course 520 | Highest and Best Use Analysis | 1998 |
| Course 530 | Sales & Cost Approaches | 2006 |
| Course 540 | Report Writing | 2000 |
| Course 550 | Advanced Applications | 2006 |
| | Uniform Standards of Professional Practice Update | Current |

SEMINARS:

- | | |
|--|--------------|
| The Appraiser as Expert Witness | 1993 |
| Appraising Troubled Properties | 1993 |
| Non-Conforming Uses | 1999 |
| Issues in Appraising Lodging Properties | 1999 |
| Attacking/Defending An Appraisal in Litigation | 1999 |
| Partial Interest Valuation—Divided | 2001 |
| Real Estate Fraud | 2001 |
| Condemnation Appraising | 2005 |
| Economic, Capital Markets and Investment Outlook | 2009 |
| Valuation of Conservation Easements | 2011 |
| • Lincoln Institute of Land Policy | |
| Theory & Practice of Land Valuation | 2002 |
| • Mass Board of Real Estate Appraisers | |
| Real Estate Expo Commercial Program | 2002/3/11/12 |
| • ASFMRA & MBREA | |
| Yellow Book Seminar Federal Land Acquisitions | 2004 |

PROFESSIONAL AND TRADE AFFILIATIONS

- Appraisal Institute - SRA Member
- Chairman, Board of Assessors, Stow MA, Term 2000-2002
- Appraisal Institute – SRA Experience Reviewer

DESIGNATIONS AND AFFILIATIONS

- Massachusetts Certified General Real Estate Appraiser #3111

BUSINESS EXPERIENCE

Professional real estate appraiser with 20 years of experience in the valuation of residential, commercial and industrial properties Certified as a general appraiser, Mr. Bernklow has worked as both an independent appraiser and as an employee for several firms throughout his career. Appraisal assignments have been completed in the following states: Connecticut, Maine, Massachusetts, New Hampshire and Rhode Island with most emphasis on Massachusetts and New Hampshire properties. Prior to his present affiliation, Mr. Bernklow served in the following capacities:

| | |
|-----------|---|
| 1996-1999 | Senior Appraiser, Joseph C. Sansone Company F/K/A Property Tax Research Woburn, Massachusetts |
| 1995-1996 | Commercial Appraiser, Allied Appraisal Worcester, Massachusetts |
| 1993-1995 | Independent Fee Appraiser D/B/A Preferred Appraisals Pepperell, Massachusetts |
| 1989-1994 | Senior Appraiser, Property Consultants, Inc. Chelmsford, Massachusetts |
| 1987-1989 | Senior Appraiser, Realty Appraisals Tewksbury, Massachusetts |
| 1985-1987 | Appraiser, Appraiser Trainee, Able Appraisal Nashua, New Hampshire |

Appraisal Assignments Include:

| | |
|------------------------|------------------------|
| Airport | Aircraft Hangers |
| Banks | Condominiums |
| Conservation Easements | Easements |
| Garages | Gravel Pits |
| High-End Residential | Horse Farms |
| Industrial Land | Laboratory Buildings |
| Medical Office | Mill Buildings |
| Mixed-Use Properties | Multi-Family Dwellings |
| Office Buildings | Office Condominiums |
| Raw Land | Research & Development |
| Residential | Restaurants |
| Retail Plazas | Subdivisions |
| Unbuildable Land | Warehouses |

Unusual Appraisal Assignments Include:

| | |
|------------------------------------|-------------------------------------|
| Airport Hanger Condominium Complex | Apple Orchards |
| Former Nike Missile Silo | Military Enclave, Fort Devens |
| Pond & Dam | Private Island |
| Rail Line Corridors | Seasonal Cottage Colony Condominium |
| Solar Farm Research | |

BUSINESS ADDRESS

Avery Associates
282 Central Street
Post Office Box 834
Acton, MA 01720-0834
Tel: 978-263-5002 Fax: 978-635-9435
rick@averyandassociates.com

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|---|
| <p style="text-align: center;">QUALIFICATIONS OF JONATHAN H. AVERY REAL ESTATE APPRAISER AND CONSULTANT</p> |
|---|

EDUCATION

- BBA University of Massachusetts, Amherst, Massachusetts
- Graduate of Realtors Institute of Massachusetts - GRI
- American Institute of Real Estate Appraisers
 - Course 1-A Basic Appraisal Principles, Methods and Techniques
 - Course 1A-B Capitalization Theory and Techniques
 - Course 2 Basic Appraisal of Urban Properties
 - Course 6 Real Estate Investment Analysis
 - Course 410/420 Standards of Professional Practice

PROFESSIONAL AND TRADE AFFILIATIONS

- The Counselors of Real Estate
 - 1985 - CRE Designation #999
 - 1993 - Chairman, New England Chapter
 - 1995 - National Vice President
 - 1999 - National President
- Appraisal Institute
 - 1982 - Member Appraisal Institute - MAI Designation #6162
 - 1975 - Residential Member - RM Designation #872
 - 1977 - Senior Residential Appraiser - SRA Designation
 - 1981 - Senior Real Property Appraiser - SRPA Designation
 - 1986-1987 - President, Eastern Massachusetts Chapter
 - 1992 - President, Greater Boston Chapter
 - 1995 - Chair, Appraisal Standards Council
 - 1996-1998 - Vice Chair, Appraisal Standards Council
- Massachusetts Board of Real Estate Appraisers
 - 1972 - MRA Designation
 - 1981 - President of the Board
- Royal Institution of Chartered Surveyors
 - 2005 - FRICS Designation
- Affiliate Member, Greater Boston Real Estate Board
- Licensed Real Estate Broker - Massachusetts 1969
- Massachusetts Certified General Real Estate Appraiser #26
- New Hampshire Certified General Real Estate Appraiser #NHGC-241

BUSINESS EXPERIENCE

Mr. Avery is Principal of the firm of Avery Associates located in Acton, Massachusetts. Avery Associates is involved in a variety of real estate appraisal and consulting activities including: market value estimates, marketability studies, feasibility studies, and general advice and guidance on real estate matters to public, private and corporate clients. Mr. Avery has served as arbitrator and counselor in a variety of proceedings and negotiations involving real estate. During 1993, he served as an appraisal consultant for the Eastern European Real Property Foundation in Poland. He has been actively engaged in the real estate business since 1967 and established Avery Associates in 1979. Prior to his present affiliation, Mr. Avery served in the following capacities:

1978-1979 Managing Partner, Avery and Tetreault,
Real Estate Appraisers and Consultants

1975 -1978 Chief Appraiser, Home Federal Savings and Loan Association
Worcester, Massachusetts

1972-1975 Staff Appraiser, Northeast Federal Saving and Loan Association
Watertown, Massachusetts

1971-1972 Real Estate Broker, A. H. Tetreault, Inc.
Lincoln, Massachusetts

TEACHING EXPERIENCE

- Instructor, Bentley College, Continuing Education Division, 1976-1982;
Appraisal Methods and Techniques
Computer Applications for Real Estate Appraisal
- Approved Instructor Appraisal Institute - since 1982
- Chapter Education Chairman 1986-1987
- Seminar Instructor; Massachusetts Board of Real Estate Appraisers since 1981
- Certified Appraisal Standards Instructor-Appraiser Qualifications Board

PROFESSIONAL EXPERIENCE

Qualified expert witness; Middlesex County District Court and Superior Court, Essex County Superior Court, Norfolk County Superior Court, Plymouth Superior Court, Worcester County Probate Court, Federal Tax Court, Federal Bankruptcy Court, Appellate Tax Board of Massachusetts and Land Court of Massachusetts. Member, Panel of Arbitrators - American Arbitration Association, National Association of Securities Dealers Regulation.

Property Assignments Include:

| | |
|-------------------------------------|---------------------------|
| Land (Single Lots and Subdivisions) | Historic Renovations |
| One to Four Family Dwellings | Movie Theater |
| Apartments | Conservation Easements |
| Residential Condominiums | Hotels and Motels |
| Office Buildings | Shopping Centers |
| Restaurants | Golf Courses |
| Industrial Buildings | Churches |
| Racquet Club | Gasoline Service Stations |
| Petroleum Fuel Storage Facility | Farms |
| Lumber Yard | Office Condominiums |
| School Buildings | Automobile Dealerships |

BUSINESS ADDRESS

Avery Associates
282 Central Street
Post Office Box 834
Acton, MA 01720-0834
Tel: 978-263-5002
Fax: 978-635-9435
jon@averyandassociates.com

EVERY ASSOCIATES
REPRESENTATIVE LIST OF CLIENTS

FINANCIAL INSTITUTIONS

Avidia Bank
Bank of New England
East Boston Savings Bank
Cambridge Savings Bank
Belmont Savings Bank
Berkshire Bank
North Shore Bank
Enterprise Bank & Trust
First Pioneer Farm Credit
North Middlesex Savings Bank
Middlesex Federal Savings
Marlborough Savings Bank
Middlesex Savings Bank
Bank of New York
Rollstone Bank & Trust
Salem Five Cent Savings Bank
Webster Five Cents Savings Bank
TD Bank, N.A.
Workers Credit Union

PUBLIC SECTOR/NONPROFIT

American Arbitration Association
Emerson Hospital
Essex County Greenbelt Association
Internal Revenue Service
Mass Audubon
Mass. Dept. of Conservation/Recreation
Massachusetts Dept. of Agricultural Resources
MassDevelopment
MassHousing
Stow Planning Board
Sudbury Valley Trustees
The Nature Conservancy
The Trust for Public Land
Town of Acton
City of Marlborough
Town of Concord
Town of Lexington
Trustees of Reservations
U. S. Department of Interior
U.S. Department of Justice
U.S. Forest Service
Walden Woods Project
Water Supply District of Acton

CORPORATIONS

Avalon Bay Communities
Boston Golf Club, Inc.
Boston Medflight
W. J. Graves Construction Co., Inc.
Concord Lumber Corporation
Dow Chemical Company
Exxon Mobil Company
Fidelity Real Estate
John M. Corcoran & Co.
Marvin F. Poer and Company
McDonald's Corporation
Zoll Medical Corp.
PriceWaterhouseCoopers
Ryan Development
Sun Life Assurance Company
The Mathworks, Inc.
Toyota Financial Services
U.S. Postal Service

LAW FIRMS & FIDUCIARIES

Anderson & Kreiger LLP
Kates and Barlow
Choate, Hall & Stewart
Edwards, Angel, Palmer & Dodge
DLA Piper, LLP
Goodwin Procter
Rackemann, Sawyer & Brewster
Foley Hoag, LLP
Hemenway & Barnes
Holland & Knight
Kirkpatrick Lockhart Nicholson Graham
Kopelman & Paige, P.C.
Lee, Rivers & Corr, LLP
Sally & Fitch
Nutter, McClennen & Fish, LLP
Lynch, Brewer, Hoffman & Fink, LLP
Office of Stephen Small
Peabody & Arnold, LLP
Prince, Lobel, Glovsky & Tye
Riemer & Braunstein, LLP
Ropes & Gray
Stern, Shapiro, Weissberg & Garin
WilmerHale