

CITY OF SOMERVILLE
INTEROFFICE MEMORANDUM

To: Honorable Members of the City Council

From: Catherine Lester Salchert, Special Counsel

Re: City Council Meeting August 28, 2025, Item 25-1290
217 Somerville Avenue (Ken Kelly Park) Additional Funds to Purchase
Date: August 26, 2025

The City acquired 217 Somerville Avenue as a vacant parcel by an eminent taking on November 14, 2019 and paid pro tanto damages of \$1,317,000. The former owner, AMLEG, LLC then filed a claim for additional damages in Middlesex Superior Court. See *AMLEG, LLC v. City of Somerville*, 2281 CV01711.¹

After the filing of the lawsuit, the parties determined that there were no significant legal issues in the case other than the value of the property. The parcel was zoned CCD-5 at the time of the taking and both parties agreed that the highest and best use was mixed commercial and residential.

James Ponsetto, Jr. of Greenberg Traurig represented the City in the litigation. Attorney Ponsetto hired Jamie Moore of CBRE, Boston, MA to appraise the value of the property.² Significantly, Mr. Moore determined that on the date of the taking the property was worth \$2,350,000, for mixed use residential with 13 residential units including one affordable unit; a difference of \$1,033,000 more than the amount the City had paid.

The Plaintiff's appraiser was Allan Foster of Foster Appraising & Consulting in Leominster, MA³. Mr. Foster's appraisal was slightly higher \$2,760,000, based on 12 residential units each with a value of \$230,000, resulting in difference of \$410,000. The parties agreed to meet in the middle of the two numbers, for a final total value of (\$2,555,000).

The City argued that no pre-judgment interest should be paid and the Plaintiff agreed to waive all interest in consideration of an additional final payment of \$1,283,000.

¹ The Joint Trial Memorandum filed in the case provides all the information and is available online.

² Jamie Moore, MAI, Executive Vice President and New England Multi-Family Practice Leader CBRE Valuation and Advisory Services, 33 Arch Street, Boston, MA 02110.

³ Allan Foster, MAI, CRE, CCIM Foster Appraisal & Consulting Co., Inc., 100 Erdman Way, Leominster, MA 01453.