

January 28, 1965

Mr. John A. Swanson  
Regional Engineer  
Delmar, New York

J.A. Hanson  
Division Engineer  
Boston, Massachusetts

Amesbury, I-495-6(64)92 and SU-143(2), Layout 5385  
Parcels 3-13A, 3-9-T, 3-13-C - T&W Metal Processing,  
Worthen Realty and Trust, Alan Salvage Company, Inc.

Attached for your information is a report concerning a property owner's complaint regarding his treatment by the Massachusetts Department of Public Works.

This owner has not registered a complaint with this office but due to the wide-spread publicity he has received, we completed a review of his case.

The first appraisal on the subject property was completed by a fee appraiser. This appraisal was not satisfactory to the review appraiser, therefore, another appraisal was ordered. A staff appraiser was assigned to prepare the second report which will be available for review during the week of February 1, 1965.

We will follow the progress of this case and will encourage the State to make a prompt effort to negotiate with the owner as soon as a value determination is made.

Present legislation will prevent the majority of future recurrences of situations similar to this case.

J. A. HANSON

Attachment

RJB/jas

Form-CD-121  
(11-63)  
(Pres. by  
A.O. 206-70)

U.S. DEPARTMENT OF COMMERCE  
BUREAU OF PUBLIC ROADS

UNITED STATES GOVERNMENT  
Memorandum

DATE: January 19, 1965

TO: J. A. Hanson, Division Engineer  
THRU: R. J. Bolin, Division Right-of-Way Officer  
W.L. Patton, District Engineer  
FROM: J. E. Murnane, Jr., Right-of-Way Officer  
  
SUBJECT: Amesbury, I-495-6(64)92 and SU-143(2)  
Layout 5385 - Parcels 3-13A, 3-9-T, 3-13-C  
T & W Metal Processing, Worthen Realty and Trust,  
Alan Salvage Company, Inc.

With reference to the above-mentioned property, the Amesbury Newspaper captions on September 24, 1964 "Reader's Digest Interest Too" publicized eccentric actions of C.W. Titcomb, owner of a scrap metal and junkyard in the alignment of Route 150 extension. An examination of the Department of Public Works' Right-of-Way file indicates numerous contacts with both the owner and his attorney. (Copies of the newspaper articles are attached herewith.)

An attached copy of a letter from Mr. John C. Powers summarizes contacts up to September 1, 1964. It is noted that much of the delay was caused by the problem of removing junk cars, etc. from within the right-of-way. Mr. Titcomb created a legal question by claiming the land was leased to three different corporations and each were entitled to the maximum \$3000 moving expense since his estimated cost of moving the junk was over \$10,000. At the present time, DPW legal counsel is reviewing the status of each corporation. Mr. Powers verbally stated that it is anticipated that only the Alan Salvage Company is legally permitted by the Registry of Motor Vehicles, 100 Nashua Street, Boston, Massachusetts.

As of the present date, the Property Management Section of the DPW informs us that the right-of-way has been cleared, and a bill submitted for over \$9,000 which is in the main file which is under review by DPW counsel.

As of this date, the appraisal on the parcels taken has not been completed. The State was unable to obtain a Fee Appraiser to make the appraisal, and a Staff Appraiser was assigned the task. The date of taking was December 10,

- more -

BUY U.S. SAVINGS BONDS REGULARLY ON THE PAYROLL SAVINGS PLAN

1963. This is prior to Attorney General Brooke's letter of December 27, 1963, which required all appraisals be completed prior to taking date. The long delay in completing the appraisal is a legitimate complaint of the subject property owner.

JEM/jas

New England Newsclip Agency, Inc.  
Box 2078, Boston 6 - Richmond 2-4200

News  
AMESBURY, Mass.  
Weekly          Circ. 1,991  
SEP 24 1964

PAGE ONE

### Flag Brings Help

Clifford W. Titcomb, Martin Rd., owner of the Alan Salvage Co., admitted yesterday it was a far-fetched idea. But there's no denying that it worked!

Titcomb, at odds with state DPW officials over eminent domain landtaking for the past seven months, finally in exasperation flew the American flag upside-down at his place of business this week.

That in itself might [have] escaped notice but the attention-getter was the Russian flag, the hammer and sickle on a red field, flying beneath it side by side.

Explained Titcomb, "I was getting the run-around from the Commonwealth of Massachusetts, first one department then another. As a last resort [and] in traditional naval style, I hung old Glory upside down as a distress signal."

Titcomb got quick [results], a letter from Atty. Gen. Brooke's office, the same day as the flag-waving episode which was carried

Continued on Page 5

over the wire services and television.

"Everything's smoothed out now," Titcomb said. "All I wanted was some action." He said that the commonwealth never gave him permission to move his personal property and to receive recourse[.]

[As a last resort, Titcomb explained,] the Commonwealth took seven acres of my property [for] Route 495 construction and never made me an offer. Finally, I got a registered letter saying that if I didn't move by a certain time, the state would consider the land had been abandoned and it would revert automatically to the [state]."

Titcomb said when he was told that he knew he was in difficulty. So he struck on the idea of raising the flags "to call attention to my distress."

Titcomb added that he didn't believe [that] in the United States a person's real estate and personal property could be taken without compensation, but "That's what was happening to me and I couldn't get to first base with anybody about it."

As for flying the Russian flag, Titcomb said he checked into it and that it is not illegal. "The American and Russian flags still fly side by side at the United Nations Building in New York," he declared.

The incident drew considerable attention. The phone at the company office has rung consistently, and Titcomb has been receiving letters. "Most of them support the stand I took," he said, "but I've had a couple, one from a lady in New York, calling me a crackpot."

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Box 2078, Boston 6 - Richmond 2-4200

News  
AMESBURY, Mass.  
Weekly          Circ. 1,991  
DEC 24 1964

TITCOMB STANDS FIRM  
Readers Digest Interested, Too

An Amesbury property owner and the State Dept. of Public Works apparently are still at an [impasse] today over the surveying of land in connection with construction of Route 495.

Clifford W. Titcomb, president of the Alan Salvage Co., Martin Rd., last week ordered a team of surveyors off the land in the wake of widespread looting in the scrapyard area.

The Readers Digest which in its December issue ran a controversial article, "Highway Robbery in Massachusetts," has taken an interest in Titcomb's problems.

The editors of the nationally-distributed magazine indicated to Titcomb in a letter this week that they may be interested in researching the local situation for a possible followup story.

The editors, referring to Titcomb's recent flag-waving incident in which he flew a Russian ensign and the Stars and Stripes upside down as a distress signal, commented on his "singularly dramatic way to make known your feelings about the manner in which the Commonwealth of Massachusetts, Department of Public Works, applies the laws of eminent domain."

Titcomb revealed that except for the nationwide publicity he received, the incident actually did little to solve his dilemma.

"I haven't received so much as a dollar in payment or any offer for the seven acres the state took a year ago, and I'm still paying taxes on the property," he added.

The State DPW contends that its surveyors were on firm legal footing at the time Titcomb personally threatened to have his men throw them off the property.

Said Titcomb, "I just got fed up with the whole situation." He said that copper and other metals have been taken during the past year by persons entering the property. The looting, according to Titcomb, has amounted to "several thousands" of dollars.

Titcomb this week had called in both local and state police in an effort to solve the pilfering. "If we can catch whoever is responsible, I plan to prosecute," he said.

September 17, 1964

AMESBURY, Interstate 495  
Layout 5385 - Parcels 3-13A, 3-9-T, 3-13-C  
T & W Metal Processing  
Worthen Realty and Trust  
Alan Salvage Company, Inc.

Louis A. Cyr, Attorney at Law  
8 Market Street  
Amesbury, Massachusetts

Dear Sir:

We have received your letter of September 9, 1964, wherein you explain the [different] situation in which your clients find themselves, due to the taking of property for I-495 in Amesbury.

In response to the above letter, the Department herewith submit certain facts contained in our files:

1. A representative of the Relocation Section personally visited with your clients on October 16, 1963 and explained the Relocation program to them.
2. Parcels 3-13A, 3-9-T and 3-13-C, Layout 5385, Amesbury, were taken on December 10, 1963
3. Owners and/or occupants and/or persons were given a 30 day notice effective February 6, 1964, to remove their personal property from the land taken.
4. Another personal visit was made to your clients on February 6, 1964. The day following, the representative outlined the taking and Department requirements to you.
5. On May 26, 1964, as a result of a telephone call, the Department received one estimate for each of your client(s). The department had requested three estimates for each company or a total of nine estimates.
6. Under date of July 10, 1964, the additional two estimates were received.



Amesbury - Interstate 495

Layout 5385 - Parcels 3-13A, 3-9-T, 3-13-C

7. During the period October 10, 1963 to July 10, 1964, several telephone call[s] and personal visits were made to either yourself or your clients intending to convey the necessity to clear the taken land of the personal property.
8. On July 25, 1964, the Department advertised the Amesbury project for construction bids. It was uncertain at this time whether the owners intended to relocate their personal property or to abandon even though repeated efforts were made to determine the owners intent. Bids were offered on September 15, 1964.
9. Authorization of several millions of dollars of Federal Funds hinged on clearing the right of way. It became imperative that an ultimatum be given, thus requiring the issuance of the August 21, 1964 directive.

On September 1, 1964, in a telephone conversation with Mr. M. T. Sullivan of this Department, you were advised to remove the property in accordance with the directive and to tabulate and document all moving costs made necessary by the taking.

Chapter 594 of the Acts of 1963 directs the Department to pay the reasonable and necessary moving cost to a [maximum] of \$3000.00 for this type of relocation. In this regard, your clients claim for moving expense will be considered and if found both reasonable and necessary, the costs will be reimbursed.

Very truly yours,

John C. Powers, Director  
Right of Way Bureau

MTS: or