

CITY OF NEW BEDFORD
IN CITY COUNCIL

August 18, 2016

RECORDED LAND

WHEREAS, the common necessity and convenience of the inhabitants of the City of New Bedford require the taking of land hereinafter described for the purpose of altering and improving JFK Highway (Route 18) and for all other uses incidental to said municipal purpose; and

WHEREAS, the Department of Public Infrastructure of the City of New Bedford has requested that said land be taken for said purposes; and

WHEREAS, appraisals of said land were not necessary for this taking since all owners and parties of interest have waived in writing their right to damages in accordance with Massachusetts General Laws Chapter 79, Section 7A; and

WHEREAS, an appropriation is not necessary for this taking since all owners and parties of interest have waived in writing their right to damages in accordance with Massachusetts General Laws Chapter 79, Section 7A;

NOW, THEREFORE, IT IS HEREBY ORDERED, that the City of New Bedford, acting by and through the City Council, and under applicable provisions of Massachusetts General Laws, Chapter 79, and under any and every other power to it granted or implied, hereby takes for itself, by eminent domain, a permanent easements, located in New Bedford as hereinafter described, for the purpose of altering and improving JFK Highway (Route 18) and for all other uses incidental to said municipal purposes:

Permanent Easement PE-01:

An easement over a parcel of land being shown as PE 01 on a plan entitled "Permanent Easement Plan of Land, Cove Street and JFK Highway, New Bedford, MA (Bristol County)", dated July 19, 2016, prepared by Surveying and Mapping Consultants, Inc., 325 Wood Road, Braintree, MA, recorded herewith (the "Plan"), said easement being more particularly bounded and described as follows:

Beginning at a point on the easterly sideline of JFK Highway, which point lies southerly along a curve turning to the left, a length of 1.74 feet from a point near a stone bound with a drill hole, thence

By a curve turning to the left, having a radius of 30.00 feet and a length of 40.71 feet, to a point, thence

By a curve turning to the left, having a radius of 989.00 feet and a length of 0.67 feet, to a point, thence

N 8° 15' 27" W a distance of 26.70 feet to a point, thence

S 82° 02' 50" W a distance of 23.77 feet to a point, thence

By a curve turning to the right having, a radius of 2.00 feet and a length of 2.55 feet, to the point of beginning, said easement contains an area of 504 square feet, more or less.

For title see Order of Taking on record with the Bristol County S.D. Registry of Deeds at Book 1784, Page 162.

Permanent Easement PE 05:

An easement over a parcel of land being shown as PE 05 on a plan entitled "Permanent Easement Plan of Land, JFK Highway & South Water Street, New Bedford, MA (Bristol County)", dated July 19, 2016, prepared by Surveying and Mapping Consultants, Inc., 325 Wood Road, Braintree, MA, recorded herewith (the "Plan"), said easement being more particularly bounded and described as follows:

Beginning at a point on the easterly sideline of South Water Street, thence

N 76° 28' 39" E a distance of 7.44 feet to a point on the westerly sideline of JFK Highway, thence

S 2° 15' 54" W a distance of 62.16 feet by the westerly sideline of JFK Highway to a point, thence

By a curve turning to the left, having a radius of 32.67 feet and a length of 9.54 feet, to a point, thence

N 7° 41' 10" W a distance of 33.75 feet to a point in the sideline of South Water Street, thence

By a curve turning to the left, having a radius of 50.00 feet and a length of 21.01 feet, to the point of beginning, said easement contains an area of 530 square feet, more or less.

For title see Order of Taking on record with the Bristol County S.D. Registry of Deeds at Book 1782, Page 512.

Permanent Easement PE 06:

An easement over a parcel of land being shown as PE 06 on a plan entitled "Permanent Easement Plan of Land, JFK Highway & South Water Street, New Bedford, MA (Bristol County)", dated July 19, 2016, prepared by Surveying and Mapping Consultants, Inc., 325 Wood Road, Braintree, MA, recorded herewith (the "Plan"), said easement being more particularly bounded and described as follows:

Beginning at a point on the easterly sideline of South Water Street, thence

By a curve turning to the left, having a radius of 50.00 feet and a length of 11.19 feet, to a point, thence

N 7° 39' 07" W a distance of 13.60 feet to a point, thence

By a curve turning to the left, having a radius of 8.00 feet and a length of 11.06 feet, to a point on the westerly sideline of JFK Highway, thence

S 2° 15' 54" W a distance of 23.07 feet by the westerly sideline of JFK Highway to a point, thence

S 76° 28' 39" W a distance of 7.44 feet to the point of beginning, said easement contains an area of 185 square feet, more or less.

For title see Order of Taking on record with the Bristol County S.D. Registry of Deeds at Book 1774, Page 953.

Permanent Easement PE 07:

An easement over a parcel of land being shown as
PE 07 on a plan entitled "Permanent Easement Plan of Land, JFK Highway and Griffin Court, New Bedford, MA (Bristol County)", dated July 19, 2016, prepared by Surveying and Mapping Consultants, Inc., 325 Wood Road, Braintree, MA, recorded herewith (the "Plan"), said easement being more particularly bounded and described as follows:

Beginning at a point on the westerly sideline of JFK Highway, thence

S 6 ° 55' 32" E a distance of 555.42 feet by the westerly sideline of JFK Highway to a point, thence,

S 11 ° 06 ' 50" W a distance of 7.05 feet to a point, thence

N 6 ° 55' 10" W a distance of 489.66 feet to a point, thence

By a curve turning to the left, having a radius of 5947.00 feet and a length of 72.39 feet, to a point on the southerly sideline of JFK Highway, thence

N 81° 27' 55" E a distance of 2.57 feet by the southerly sideline of JFK Highway to the point of beginning, said easement contains an area of 1214 square feet, more or less.

For title see Deed on record with the Bristol County S.D. Registry of Deeds at Book 1712, Page 1123. See also Widening of Potomska Street on record with the Bristol County S.D. Registry of Deeds at Book 1707-1191; Discontinuance of South First Street on record with the Bristol County S.D. Registry of Deeds at Book 1707, Page 1193; Discontinuance of Grinnell and Howland Street on record with the Bristol County S.D. Registry of Deeds at Book 1707, Page 1195; and the Discontinuance of South Street on record with the Bristol County S.D. Registry of Deeds at Book 1712, Page 682.

Permanent Easement PE 10:

An easement over a parcel of land being shown as PE 10 on a plan entitled "Permanent Easement Plan of Land, JFK Highway & South Water Street, New Bedford, MA (Bristol County)", dated July 19, 2016, prepared by Surveying and Mapping Consultants, Inc., 325 Wood Road, Braintree, MA, recorded herewith (the "Plan"), said easement being more particularly bounded and described as follows:

Beginning at a point on the easterly sideline of South Water Street, bearing N 82° 13' 30" E 30.00 feet from station 4+69.74 on Auxiliary Baseline 'H', thence

N 78° 19' 13" E a distance of 39.35 feet to a point on the westerly sideline of JFK Highway, thence

By a curve turning to the right, having a radius of 1498.00 feet and a length of 14.00 feet, by the westerly sideline of JFK highway to a point, thence

S 78° 19' 13" W a distance of 40.32 feet to a point on the easterly sideline of South Water Street, thence

N 7° 46' 30" W a distance of 14.03 feet by the easterly sideline of South Water Street to the point of beginning, said easement contains an area of 558 square feet, more or less.

For title see Order of Taking on record with the Bristol County S.D. Registry of Deeds at Book 1786, Page 628.

No trees on the land taken and no structures affixed thereto are included in the taking, and the owners of the property are allowed (30) days from and after recording of this instrument in the Registry of Deeds by the City in which to remove and take away from the land any trees or structures. Notwithstanding anything to the contrary contained herein, the owners of the property shall not be required to take away from the land any such trees or structures.

IT IS FURTHERED ORDERED, in accordance with the provisions of said Chapter 79, that the following amounts are awarded as compensation for damages sustained by the owner or owners of the property and all other persons, including all mortgagees of record, having any and all interest in the property taken and entitled to any damages by reason of the taking hereby made:

EASEMENT OR	NEW BEDFORD ASSESSOR'S		
PARCEL #	PLAT & LOT #	NAME OF SUPPOSED OWNER	AWARD OF DAMAGES
PE 01	21-17	City of New Bedford 133 William Street	NONE

		New Bedford, MA 02740	
PE 05	25-110	City of New Bedford 133 William Street New Bedford, MA 02740	NONE
PE 06	25-109	City of New Bedford 133 William Street New Bedford, MA 02740	NONE
PE 07	37-48	City of New Bedford 133 William Street New Bedford, MA 02740	NONE
PE 10	25-75	City of New Bedford 133 William Street New Bedford, MA 02740	NONE

IT IS FURTHER ORDERED, that in addition to the above amount, there is also awarded as damages the following sum estimated to be equal to that portion of the taxes assessed upon the property herein taken for Fiscal Year 2016 in accordance with the provisions of Massachusetts General Laws, Chapter 79, Section 12, which amount, together with the damages awarded in the preceding paragraph, shall constitute full compensation for the taking herein ordered.

TAXES FOR FISCAL YEAR 2016

EASEMENT OR PARCEL #	NEW BEDFORD ASSESSOR'S PLAT & LOT #	NAME OF SUPPOSED OWNER	TAX AWARD
PE 01	21-17	City of New Bedford 133 William Street New Bedford, MA 02740	NONE
PE 05	25-110	City of New Bedford 133 William Street New Bedford, MA 02740	NONE
PE 06	25-109	City of New Bedford 133 William Street New Bedford, MA 02740	NONE
PE 07	37-48	City of New Bedford 133 William Street New Bedford, MA 02740	NONE
PE 10	25-75	City of New Bedford 133 William Street	NONE

New Bedford, MA 02740

IT IS FURTHER EXPRESSED AND STIPULATED that the order of taking and the awarding damages herein contained does not relieve the owners of land taken from liability for taxes now uncollected for the Fiscal Year 2016 and any prior year, if the same remain unpaid as of the date of this order.

AND BE IT FURTHER ORDERED, that the City Clerk cause a copy of this order of taking herein made, certified by her, to be recorded on behalf of the City of New Bedford in the Registry of Deeds for the Southern District of Bristol County, and to give such other notices as are required by General Laws.