

CITY OF NEW BEDFORD

IN CITY COUNCIL

August 17, 2023

REGISTERED 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 conducting roadway, geometric, and traffic control improvements to County Street from Nelson Street to Union Street, and for all other uses incidental to municipal purposes; 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, an appraisal of said land has been made on behalf of the taking authority in accordance with Massachusetts General Laws Chapter 79, Section 7A, and has been filed with said authority; and

WHEREAS, an appropriation has been made for the general purpose for which said land is needed;

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, five (5) permanent and nine (9) temporary easements, located in New Bedford as hereinafter described, for the purpose of improving vehicular, bicyclist, and pedestrian safety, as well as vehicle capacity, traffic operations and ensuring ADA compliance within said improvement's limits, and for all other uses incidental to municipal purposes:

Permanent Easement PE-9

An easement over a parcel of land being shown as PE-9 on a plan entitled "Easement Plan of Land, for County Street, New Bedford, MA (Bristol County)", dated April 20, 2023, prepared by Chappell Engineering, Marlborough, MA, recorded herewith (the "Plan"), said easement being more particularly bounded and described as follows:

Beginning at a point on the westerly sideline of County Street, which is at the intersection with the southerly sideline of Division Street and the westerly sideline of said County Street, thence

S 13°17'30" E, 50.35 feet along the westerly sideline of County Street to a point, thence

S 69°58'36" W, 0.25 feet to a point, thence

N 13°13'43" W, 25.96 feet to a point, thence

S 72°53'09" W, 1.59 feet to a point, thence

N 17°09'33" W, 16.76 feet to a point, thence

N 62°39'10" W, 6.24 feet to a point, thence

S 72°50'17" W, 34.70 feet to a point, thence

N 19°40'41" W, 1.34 feet to a point at the southerly sideline of Division Street, thence

N 70°19'19" E, 42.71 feet along said southerly sideline to the point of beginning. Said easement contains an area of 166 Square Feet, more or less.

Permanent Easement PE-43

An easement over a parcel of land being shown as PE-43 on a plan entitled "Easement Plan of Land, for County Street, New Bedford, MA (Bristol County)", dated April 20, 2023, prepared by Chappell Engineering, Marlborough, MA, recorded herewith (the "Plan"), said easement being more particularly bounded and described as follows:

Beginning at a point on the easterly sideline of County Street, which is 52.00 feet northerly from the intersection with the northerly sideline of Delano Street and the easterly sideline of said County Street, thence

N 24°54'00" W, 56.11 feet along the easterly sideline of County Street to a point, thence

N 76°12'11" E, 0.73 feet to a point, thence

S 30°34'21" E, 4.08 feet to a point, thence

S 24°57'22" E, 52.14 feet to a point, thence

S 76°01'01" W, 1.19 feet to a point on the easterly sideline of County Street and the point of beginning. Said easement contains an area of 63 Square Feet, more or less.

Permanent Easement PE-44

An easement over a parcel of land being shown as PE-44 on a plan entitled "Easement Plan of Land, for County Street, New Bedford, MA (Bristol County)", dated April 20, 2023, prepared by Chappell Engineering, Marlborough, MA, recorded herewith (the "Plan"), said easement being more particularly bounded and described as follows:

Beginning at a point on the easterly sideline of County Street, which is 108.11 feet northerly from the intersection with the northerly sideline of Delano Street and the easterly sideline of said County Street, thence

N 24°54'00" W, 7.05 feet along the easterly sideline of County Street to a point, thence

S 30°34'21" E, 7.22 feet to a point, thence

S 76°12'11" W, 0.73 feet to a point on the easterly sideline of County Street and the point of beginning. Said easement contains an area of 3 Square Feet, more or less.

Permanent Easement PE-45

An easement over a parcel of land being shown as PE-45 on a plan entitled "Easement Plan of Land, for County Street, New Bedford, MA (Bristol County)", dated April 20, 2023, prepared by Chappell Engineering, Marlborough, MA, recorded herewith (the "Plan"), said easement being more particularly bounded and described as follows:

Beginning at a point on the westerly sideline of County Street, which is at the intersection

with the southerly sideline of Winsor Street and the westerly sideline of said County Street, thence

N 71°25'04" E, 2.48 feet along the westerly sideline of county street to a point, thence

With a curve turning to the right with an arc length of 3.71', with a radius of 4.23', with a chord bearing of N 68°06'26" W, with a chord length of 3.60', to a point on the southerly sideline of Winsor Street, thence

S 24°54'00" E, 2.35 feet along said southerly sideline to the point of beginning. Said easement contains an area of 2 Square Feet, more or less.

Permanent Easement PE-86

An easement over a parcel of land being shown as PE-86 on a plan entitled "Easement Plan of Land, for County Street, New Bedford, MA (Bristol County)", dated April 20, 2023, prepared by Chappell Engineering, Marlborough, MA, recorded herewith (the "Plan"), said easement being more particularly bounded and described as follows:

Beginning at a point on the southerly sideline of Winsor Street, which is 12.43 feet southerly from the intersection with the southerly sideline of Winsor Street and the westerly sideline of said County Street, thence

S 18°11'06" E, 1.92 feet to a point, thence

S 72°26'13" W, 33.14 feet to a point, thence

N 18°34'56" W, 1.33 feet to a point on the southerly sideline of Winsor Street, thence

N 71°25'04" E, 33.15 feet along said southerly sideline to the point of beginning. Said easement contains an area of 54 Square Feet, more or less.

The following temporary easements are shown on a plan, said plan being entitled:

**"EASEMENT PLAN OF LAND, FOR COUNTY STREET, NEW BEDFORD, MA
(BRISTOL COUNTY)," DATED APRIL 20, 2023**

Said plan, sheets 01 through 29, was prepared by Chappell Engineering, 201 Boston Post Road W, Suite 101, Marlborough, MA 01752, an attested copy of which, is to be recorded with this "Order of Taking," in the Registry of Deeds for Bristol County, Southern District, at New Bedford.

The temporary easements taken herein consist of the right to enter upon said lands at any time during the effective period of the easements to conducting roadway, geometric, and traffic control improvements to County Street from Nelson Street to Union Street and any other incidental construction during the effective period of the easements to accomplish said construction. Said easements are temporary in nature and are to be in effect for a period of five (5) years from the date of this instrument.

Temporary Easement TE-13

An easement over a parcel of land being shown as TE-13 on a plan entitled "Easement Plan of Land, for County Street, New Bedford, MA (Bristol County)", dated April 20, 2023, prepared by Chappell Engineering, Marlborough, MA, recorded herewith (the "Plan"), said easement being more particularly bounded and described as follows:

Beginning at a point which is on the easterly sideline of the Permanent Easement PE-43, being the southerly-most Temporary Easement on the easterly sideline of Permanent Easement PE-43 as shown on the aforementioned plan by Chappell Engineering, thence

Northeasterly along land now or formerly of Joe J. & Renee Y. Sebastion "TRS" Sebastion Living Trust 3 feet more or less, thence

Southeasterly along land now or formerly of Joe J. & Renee Y. Sebastion "TRS" Sebastion Living Trust 5 feet more or less, thence

Southwesterly along land now or formerly of Joe J. & Renee Y. Sebastion "TRS" Sebastion Living Trust 3 feet more or less to the Easterly sideline of the Permanent Easement PE-43, thence

Northwesterly along the Permanent Easement PE-43 5 feet more or less to the point of beginning. Said easement contains an area of 14 Square Feet, more or less.

Temporary Easement TE-14

An easement over a parcel of land being shown as TE-14 on a plan entitled "Easement Plan of Land, for County Street, New Bedford, MA (Bristol County)", dated April 20, 2023, prepared by Chappell Engineering, Marlborough, MA, recorded herewith (the "Plan"), said easement being more particularly bounded and described as follows:

Beginning at a point which is at the southeasterly corner of the Permanent Easement PE-44 as shown on the aforementioned plan by Chappell Engineering, thence

Northwesterly along the Permanent Easement PE-44 7 feet more or less to the easterly sideline of County Street, thence

Northwesterly along the easterly sideline of County Street 1 foot more or less, thence

Northeasterly along land now or formerly of Inayat, LLC 5 feet more or less, thence

Southeasterly along land now or formerly of Inayat, LLC 8 feet more or less to the Northerly sideline of land now or formerly of Joe J. & Renee Y. Sebastion "TRS" Sebastion Living Trust, thence

Southwesterly along land now or formerly of Joe J. & Renee Y. Sebastion "TRS" Sebastion Living Trust 5 feet more or less to the point of beginning. Said easement contains an area of 41 Square Feet, more or less.

Temporary Easement TE-112

An easement over a parcel of land being shown as TE-112 on a plan entitled "Easement Plan of Land, for County Street, New Bedford, MA (Bristol County)," dated April 20, 2023, prepared by Chappell Engineering, Marlborough, MA, recorded herewith (the "Plan"), said easement being more particularly bounded and described as follows:

Beginning at a point which is at the southwesterly corner of the Permanent Easement, PE-9, as shown on the aforementioned plan by Chappell Engineering, thence

Southwesterly along land now or formerly of Cory G. Rogers 5 feet more or less, thence

Northwesterly along land now or formerly of Adilson Correia 22 feet more or less, thence

Northeasterly along land now or formerly of Adilson Correia 4 feet more or less, thence

Northwesterly along land now or formerly of Adilson Correia 4 feet more or less, thence

Northeasterly along the Permanent Easement, PE-9, 2 feet more or less, thence

Southeasterly along the Permanent Easement, PE-9, 26 feet more or less to the point of beginning. Said easement contains an area of 117 Square Feet, more or less.

For title see Certificate of Title #25481 on record with the Bristol County S.D. Registry of Deeds Land Court Department.

Temporary Easement TE-120

An easement over a parcel of land being shown as TE-120 on a plan entitled "Easement Plan of Land, for County Street, New Bedford, MA (Bristol County)", dated April 20, 2023, prepared by Chappell Engineering, Marlborough, MA, recorded herewith (the "Plan"), said easement being more particularly bounded and described as follows:

Beginning at a point which is at the southeasterly corner of the Permanent easement PE-45 as shown on the aforementioned plan by Chappell Engineering, thence

Southeasterly along the westerly sideline of County Street 3 feet more or less, thence

Northwesterly along land now or formerly of Matthew Van Do 7 feet more or less to the southerly sideline of Winsor Street, thence

Northeasterly along the southerly sideline of Winsor Street 2 feet more or less, thence

With a curve turning to the right with an arc length of 4 feet more or less along Permanent Easement PE-45 to the point of beginning. Said easement contains an area of 9 Square Feet, more or less.

Temporary Easement TE-121

An easement over a parcel of land being shown as TE-121 on a plan entitled "Easement Plan of Land, for County Street, New Bedford, MA (Bristol County)", dated April 20, 2023, prepared by Chappell Engineering, Marlborough, MA, recorded herewith (the "Plan"), said easement being more particularly bounded and described as follows:

Beginning at a point which is at the northeasterly corner of the Permanent Easement PE-86 as shown on the aforementioned plan by Chappell Engineering, thence

Southeasterly along the Permanent Easement PE-86 1 foot more or less, thence

Southwesterly along land now or formerly of Matthew Van Do 3 feet more or less, thence

Southeasterly along land now or formerly of Matthew Van Do 4 feet more or less, thence

Southwesterly along land now or formerly of Matthew Van Do 2 feet more or less, thence

Northwesterly along land now or formerly of Matthew Van Do 5 feet more or less to the Southerly sideline of Winsor St, thence

Northeasterly along the southerly sideline of Winsor Street 5 feet more or less to the point of beginning. Said easement contains an area of 9 Square Feet, more or less.

Temporary Easement TE-211

An easement over a parcel of land being shown as TE-211 on a plan entitled "Easement Plan of Land, for County Street, New Bedford, MA (Bristol County)", dated April 20, 2023, prepared by Chappell Engineering, Marlborough, MA, recorded herewith (the "Plan"), said easement being more particularly bounded and described as follows:

Beginning at a point which is on the easterly sideline of the Permanent Easement PE-43, being the second southerly-most Temporary Easement on the easterly sideline of the Permanent Easement PE-43 as shown on the aforementioned plan by Chappell Engineering, thence

Northeasterly along land now or formerly of Joe J. & Renee Y. Sebastion "TRS" Sebastion Living Trust 3 feet more or less, thence

Southeasterly along land now or formerly of Joe J. & Renee Y. Sebastion "TRS" Sebastion Living Trust 3 feet more or less, thence

Southwesterly along land now or formerly of Joe J. & Renee Y. Sebastion "TRS" Sebastion Living Trust 3 feet more or less to the Easterly sideline of the Permanent Easement PE-43, thence

Northwesterly along the Permanent Easement PE-43 3 feet more or less to the point of beginning. Said easement contains an area of 10 Square Feet, more or less.

Temporary Easement TE-212

An easement over a parcel of land being shown as TE-212 on a plan entitled "Easement Plan of Land, for County Street, New Bedford, MA (Bristol County)", dated April 20, 2023, prepared by Chappell Engineering, Marlborough, MA, recorded herewith (the "Plan"), said easement being more particularly bounded and described as follows:

Beginning at a point which is on the easterly sideline of the Permanent Easement PE-43, being the third southerly-most Temporary Easement on the easterly sideline of the Permanent Easement PE-43 as shown on the aforementioned plan by Chappell Engineering, thence

Northeasterly along land now or formerly of Joe J. & Renee Y. Sebastion "TRS" Sebastion Living Trust 3 feet more or less, thence

Southeasterly along land now or formerly of Joe J. & Renee Y. Sebastion "TRS" Sebastion Living Trust 4 feet more or less, thence

Southwesterly along land now or formerly of Joe J. & Renee Y. Sebastion "TRS" Sebastion Living Trust 3 feet more or less to the Easterly sideline of the Permanent Easement PE-43, thence

Northwesterly along the Permanent Easement PE-43 4 feet more or less to the point of beginning. Said easement contains an area of 13 Square Feet, more or less.

Temporary Easement TE-213

An easement over a parcel of land being shown as TE-213 on a plan entitled "Easement Plan of Land, for County Street, New Bedford, MA (Bristol County)", dated April 20, 2023, prepared by Chappell Engineering, Marlborough, MA, recorded herewith (the "Plan"), said easement being more particularly bounded and described as follows:

Beginning at a point which is at the northeasterly corner of the Permanent Easement PE-43 as shown on the aforementioned plan by Chappell Engineering, thence

Northeasterly along land now or formerly of Inayat, LLC 5 feet more or less, thence

Southeasterly along land now or formerly of Joe J. & Renee Y. Sebastion "TRS" Sebastion Living Trust 4 feet more or less, thence

Southwesterly along land now or formerly of Joe J. & Renee Y. Sebastion "TRS" Sebastion Living Trust 5 feet more or less to the Easterly Sideline of PE-43, thence

Northwesterly along the Permanent Easement PE-43 4 feet more or less to the point of beginning. Said easement contains an area of 21 Square Feet, more or less.

Temporary Easement TE-222

An easement over a parcel of land being shown as TE-222 on a plan entitled "Easement Plan of Land, for County Street, New Bedford, MA (Bristol County)", dated April 20, 2023, prepared by Chappell Engineering, Marlborough, MA, recorded herewith (the "Plan"), said easement being more particularly bounded and described as follows:

Beginning at a point which 42.71 feet southwesterly of the southwest corner of County Street and Division Street as shown on the aforementioned plan by Chappell Engineering, thence

Southeasterly along land now or formerly of Adilson Correira 1 foot more or less, thence

Southwesterly along land now or formerly of Adilson Correira 1 foot more or less, thence

Southeasterly along land now or formerly of Adilson Correira 4 feet more or less, thence

Southwesterly along land now or formerly of Adilson Correira 4 feet more or less, thence

Northwesterly along land now or formerly of Adilson Correira 5 feet more or less, thence

Northeasterly along the southerly sideline of Division Street 5 feet more or less to the point of beginning. Said easement contains an area of 20 Square Feet, more or less.

No trees on the land taken and no structures affixed thereto are included in the taking, and the owners of 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.

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 NEW BEDFORD				
OR	ASSESSOR'S	CERT.	NAME OF	AWARD OF
<u>PARCEL #</u>	<u>PLAT & LOT #</u>	<u>NO.</u>	<u>SUPPOSED OWNER</u>	<u>DAMAGES</u>
PE-9	20/400	25481	Adilson Correia	\$2,700.00
TE-112	L/C/L: 2		83 County Street	\$800.00
TE-222			New Bedford, MA 02744	<u>\$100.00</u>
				\$3,600.00

Mortgagee:

MERS as nominee for
Residential Mortgage Servs., Inc.
P.O. Box 2026
Flint, MI 48501-2026

PE-43	24/325	24684	Joe J. & Renee Y. Sebastian	\$1,400.00
TE-13	L/C/L: 1		as Trustees for the Sebastian	
TE-211			Living Trust	
TE-212			21 Galleon Drive	
TE-213			S. Dartmouth, MA 02748	

Mortgagee & Assignee:

Santander Bank, N.A.
75 State Street
Boston, MA 02109

PE-44	24/119	24775	Inayat, LLC	\$50.00
TE-14	L/C/L: 2		286 Union Street, 2nd Floor	<u>\$300.00</u>
			New Bedford, MA 02740	\$350.00

Mortgagee & Assignee:

Webster Bank, N.A.
200 Executive Boulevard
Southington, CT 06489

PE-45	24/140	19936	Matthew Van Do	\$30.00
PE-86	L/C/L: 2		113 County Street, # 1	\$900.00
TE-120			New Bedford, MA 02744	\$100.00
TE-121				<u>\$100.00</u>
				\$1,100.00

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 2023-2024 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 2023-2024

EASEMENT NEW BEDFORD

OR <u>PARCEL #</u>	ASSESSOR'S <u>PLAT & LOT #</u>	CERT. <u>NO.</u>	NAME OF <u>SUPPOSED OWNER</u>	TAX <u>AWARD</u>
PE-9	20/400	25481	Adilson Correia	NONE
TE-112	L/C/L: 2		83 County Street	NONE
TE-222			New Bedford, MA 02744	NONE
PE-43	24/325	24684	Joe J. & Renee Y. Sebastion	NONE
TE-13	L/C/L: 1		as Trustees for the Sebastion	NONE
TE-211			Living Trust	NONE
TE-212			21 Galleon Drive	NONE
TE-213			S. Dartmouth, MA 02748	NONE
PE-44	24/119	24775	Inayat, LLC	NONE
TE-14	L/C/L: 2		286 Union Street, 2nd Floor	NONE
			New Bedford, MA 02740	
PE-45	24/140	19936	Matthew Van Do	NONE
PE-86	L/C/L: 2		113 County Street, # 1	NONE
TE-120			New Bedford, MA 02744	NONE
TE-121				NONE

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 2024 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 him, 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.