



City of New Bedford
OFFICE OF THE CITY SOLICITOR

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January 21, 2020

City Council President Joseph P. Lopes
Honorable Members of the City Council
Municipal Building
133 William Street
New Bedford, MA 02740

RE: Hathaway Road Triangle Improvements Project

Dear Council President Lopes and Members of the City Council:

In accordance with your order of November 14, 2019, this office has prepared and is submitting herewith, proposed Orders of Taking to acquire the permanent and temporary easements that are needed for the Hathaway Road Triangle Improvements Project.

The Hathaway Road Triangle Improvements Project is a MassDOT project that is being funded using State and Federal funds.

A representative of the Department of Public Infrastructure will be available to answer questions at the January 23, 2020 City Council Meeting.

Very truly yours,

Jane Medeiros Friedman
First Assistant City Solicitor

cc: Jamie Ponte, DPI Commissioner

January 23, 2020

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 the Hathaway Road Triangle, including but not limited to roadway and sidewalk reconstruction, traffic signals, signs, pavement markings, and for all other uses incidental to said 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, temporary and permanent easements, located in New Bedford as hereinafter described, for the purpose of altering and improving the Hathaway Road Triangle, including but not limited to roadway and sidewalk reconstruction, traffic signals, signs, pavement markings, and for all other uses incidental to said municipal purposes:

Permanent Easement E-1: An easement over a parcel of land being shown as E-1 on a plan entitled "Easement Plan of Land, Hathaway Road, Mt. Pleasant Street And Nauset Street, New Bedford, MA (Bristol County)", dated December 23, 2019, prepared by Surveying and Mapping Consultants, Braintree, MA, recorded herewith (the "Plan"), said easement being more particularly bounded and described as follows:

Beginning at a point in the northerly sideline of Nauset Street, which is the intersection with westerly line of Mt. Pleasant Street, thence

S 79° 24' 43" W 174.17 feet to a point in the easterly line of Hathaway Road, thence

By a non-tangent curve to the left along the easterly line of Hathaway Road, having a radius of 1,882.20 feet and an arc length of 55.80 feet to a point, thence

By a non-tangent curve to the left, having a radius of 17.00 feet and an arc length of 15.64 feet to a point, thence

By a curve to the left, having a radius of 200.00 feet and an arc length of 50.15 feet, thence

N 88° 42' 11" E 53.70 feet to a point, thence

By a curve to the left, having a radius of 492.00 feet and an arc length of 27.60 feet to a point in the westerly sideline of Mt. Pleasant Street, thence

S 22° 02' 08" E 5.37 feet along the westerly sideline of Mt. Pleasant Street to the point of beginning.

Said easement contains an area of 3,131 square feet, more or less.

Permanent Easement E-2: An easement over a certain parcel of land being shown as E-2 on a plan entitled "Easement Plan of Land, Hathaway Road, Mt. Pleasant Street And Nauset Street, New Bedford, MA (Bristol County)", dated December 23, 2019, prepared by Surveying and Mapping Consultants, Braintree, MA, recorded herewith (the "Plan"), said easement being more particularly bounded and described as follows:

Beginning at a point in the southerly sideline of Nauset Street, thence N 79° 24' 43" E 115.96 feet along the southerly sideline of Nauset Street to a point in the westerly sideline of Mt. Pleasant Street, thence

S 22° 02' 08" E a distance of 14.48 feet by the westerly sideline of Mt. Pleasant Street, to a point, thence

By a non-tangent curve to the left, having a radius of 17.00 feet and an arc length of 17.45 feet to a point, thence

S 79° 24' 43" W 47.58 feet to a point, thence

By a curve to the right, having a radius of 271.00 feet and an arc length of 57.13 feet to the point of beginning.

Said easement contains an area of 615 square feet, more or less.

Permanent Easement SW-1: An easement over a certain parcel of land being shown as SW-1 on a plan entitled "Easement Plan of Land, Hathaway Road, Mt. Pleasant Street And Nauset Street, New Bedford, MA (Bristol County)", dated December 23, 2019, prepared by Surveying and Mapping Consultants, 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 Mt. Pleasant Street, thence S 04° 41' 52" W 20.84 feet to a point, thence

By a curve along the westerly sideline of Hathaway Road to the right having a radius of 1,802.20 and an arc length of 25.63 feet to a point, thence

By a curve to the left, having a radius of 615.00 feet and an arc length of 45.97 feet to the point of beginning.

Said parcel contains an area of 66 square feet, more or less.

Permanent Easement SW-2: An easement over a certain parcel of land being shown as SW-2 on a plan entitled "Easement Plan of Land, Hathaway Road, Mt. Pleasant Street And Nauset Street, New Bedford, MA (Bristol County)", dated December 23, 2019, prepared by Surveying and Mapping Consultants, Braintree, MA, recorded herewith (the "Plan"), said easement being more particularly bounded and described as follows:

Beginning at a point which is the intersection of the southerly sideline of Nauset Street and the easterly sideline of Mt. Pleasant Street, thence

N 79° 24' 43" E 17.12 feet to a point, thence

S 10° 35' 17" E 2.50 feet to a point, thence

S 79° 24' 43" W 5.00 feet to a point, thence

By a curve to the left, having a radius of 12.00 feet and an arc length of 12.57 feet to a point in the easterly sideline of Mt. Pleasant Street, thence

N22°02'08"W 8.68 feet along the easterly sideline of Mt. Pleasant Street to the point of beginning.

Said parcel contains an area of 64 square feet, more or less.

Permanent Easement U-1: An easement over a certain parcel of land being shown as U-1 on a plan entitled "Easement Plan of Land, Hathaway Road, Mt. Pleasant Street And Nauset Street, New Bedford, MA (Bristol County)", dated December 23, 2019, prepared by Surveying and Mapping Consultants, 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 Hathaway Road, thence

S 82° 46' 33" W 6.00 feet to a point, thence,

N 06° 22' 05" W 6.00 feet to a point, thence

N 82° 46' 33" E 11.00 feet to a point in the westerly sideline of Hathaway Road, thence

By a curve to the right, having a radius of 1,802.20 feet and an arc length of 2.13 feet along the westerly sideline of Hathaway Road to a point, thence

By a curve to the right, having a radius of 2,052.39 feet and an arc length of 5.74 feet to the point of beginning.

Said parcel contains an area of 51 square feet, more or less.

Permanent Easement U-2: An easement over a certain parcel of land being shown as U-2 on a plan entitled "Easement Plan of Land, Hathaway Road, Mt. Pleasant Street And Nauset Street, New Bedford, MA (Bristol County)", dated December 23, 2019, prepared by Surveying and Mapping Consultants, 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 Mt. Pleasant Street, thence

S 04° 41' 52" W 15.08 feet by the westerly sideline of Mt. Pleasant Street to a point, thence

S 31° 33' 43" W 9.00 feet to a point, thence

N 58° 26' 17" W 6.00 feet to a point, thence

N 31° 33' 43" E 15.92 feet to a point, thence

N 41° 18' 46" W 15.70 feet to a point, thence

N 48° 41' 14" E 6.00 feet to a point, thence

S 41° 18' 46" E 13.00 feet to the point of beginning.

Said parcel contains an area of 178 square feet, more or less.

Permanent Easement U-3: An easement over a certain parcel of land being shown as U-3 on a plan entitled "Easement Plan of Land, Hathaway Road, Mt. Pleasant Street And Nauset Street, New Bedford, MA (Bristol County)", dated December 23, 2019, prepared by Surveying and Mapping Consultants, Braintree, MA, recorded herewith (the "Plan"), said easement being more particularly bounded and described as follows:

Beginning at a point along the easterly sideline of Mt. Pleasant Street thence,

N 04° 41' 52" E 6.17 feet along the easterly sideline of Mt. Pleasant Street to a point, thence,

S 71° 54' 18" E 9.00 feet to a point, thence

S 18° 05' 42" W 6.00 feet to a point, thence

N 71° 54' 18" W 7.57 feet to the point of beginning.

Said parcel contains an area of 50 square feet, more or less.

Permanent Easement U-4: An easement over a certain parcel of land being shown as U-4 on a plan entitled "Easement Plan of Land, Hathaway Road, Mt. Pleasant Street And Nauset Street, New Bedford, MA (Bristol County)", dated December 23, 2019, prepared by Surveying and Mapping Consultants, Braintree, MA, recorded herewith (the "Plan"), said easement being more particularly bounded and described as follows:

Beginning at a point in the easterly sideline of Hathaway Road, thence,

S 54° 56' 43" E 15.00 feet along the southerly property line of land now or formerly Michel El-Khoury to a point, thence

S 35° 30' 12" W 2.50 feet to a point, thence

N 54° 56' 43" W 15.00 feet to a point, thence

By a curve to the left, having a radius of 2,132.39 feet and an arc length of 2.50 feet to the point of beginning.

Said parcel contains an area of 37 square feet, more or less.

Permanent Easement U-5: An easement over a certain parcel of land being shown as U-5 on a plan entitled "Easement Plan of Land, Hathaway Road, Mt. Pleasant Street And Nauset Street, New Bedford, MA (Bristol County)", dated December 23, 2019, prepared by Surveying and Mapping Consultants, MA, recorded herewith (the "Plan"), said easement being more particularly bounded and described as follows:

Beginning at a point in the easterly sideline of Hathaway Road said point being the northwesterly corner of easement U-4, thence

By a curve to the left, having a radius of 2,132.39 feet and an arc length of 90.77 feet along the easterly line of Hathaway Road to a point, thence

By a curve to the left, having a radius of 1,882.20 feet and an arc length of 38.24 feet along the easterly line of Hathaway Road to a point near a stone bound with a drill hole, thence

By a curve to the right, having a radius of 46.00 feet and an arc length of 26.43 feet along the southerly line of Nauset Street to a point, thence

S35°31'51"W 150.84 feet to a point, thence

S54°56'43"E 13.30 feet to a point, thence

S35°25'24"W 3.50 feet to a point, thence

N54°56'43"W 15.00 feet to the point of beginning.

Said parcel contains an area of 548 square feet, more or less.

Permanent Easement U-6: An easement over a certain parcel of land being shown as U-6 on a plan entitled "Easement Plan of Land, Hathaway Road, Mt. Pleasant Street And Nauset Street, New Bedford, MA (Bristol County)", dated December 23, 2019, prepared by Surveying and Mapping Consultants, Braintree, MA, recorded herewith (the "Plan"), said easement being more particularly bounded and described as follows:

Beginning at a point in the southerly sideline of Nauset Street, thence,

S 25° 56' 43" W 6.86 feet to a point, thence

S 82° 46' 33" W 83.83 feet to a point, thence

By a curve to the right, having a radius of 46.00 feet and an arc length of 7.38 feet to a point which is near a stone bound / drill hole thence,

N 79° 24' 43" E a distance of 80.43 feet to the point of beginning.

Said parcel contains an area of 265 square feet, more or less.

Permanent Easement U-7: An easement over a certain parcel of land being shown as U-7 on a plan entitled "Easement Plan of Land, Hathaway Road, Mt. Pleasant Street And Nauset Street, New Bedford, MA (Bristol County)", dated December 23, 2019, prepared by Surveying and Mapping Consultants, Braintree, MA, recorded herewith (the "Plan"), said easement being more particularly bounded and described as follows:

Beginning at a point in the easterly sideline of Mt. Pleasant Street thence,

N 58° 23' 25" E 16.61 feet to a point, thence

S31°36'35"E 6.00 feet to a point, thence

S58°23'25"W 18.50 feet to a point in the easterly sideline of Mt. Pleasant Street, thence

By a curve to the right, having a radius of 400.00 feet and an arc length of 6.29 feet along the easterly sideline of Mt. Pleasant Street to the point of beginning.

Said parcel contains an area of 105 square feet, more or less.

Permanent Easement U-8: An easement over a certain parcel of land being shown as U-8 on a plan entitled "Easement Plan of Land, Hathaway Road, Mt. Pleasant Street And Nauset Street, New Bedford, MA (Bristol County)", dated December 23, 2019, prepared by Surveying and Mapping Consultants, Braintree, MA, recorded herewith (the "Plan"), said easement being more particularly bounded and described as follows:

Beginning at a point in the southerly sideline of Nauset Street said point being the northeasterly corner of land now or formerly Michel El-Khoury and the northeasterly corner of easement U-6, thence

N 79° 24' 43" E 10.73 feet along the southerly line of Nauset Street to a point, thence

By a curve to the left, having a radius of 271.00 feet and an arc length of 57.13 feet along the southerly line of Permanent Easement E-2 to a point, thence

N 79° 24' 43" E a distance of 47.58 feet along the southerly line of Permanent Easement E-2 to a point, thence

By a curve to the right, having a radius of 17.00 feet and an arc length of 4.56 feet along the southerly line of Permanent Easement E-2 to a point which is the northwesterly corner of Temporary Easement TE-8, thence

S 27° 24' 28" W 1.66 feet along Temporary Easement TE-8 to a point, thence

S 34° 54' 26" E 16.33 feet along Temporary Easement TE-8 to a point, thence

S 55° 47' 04" W 6.00 feet to a point, thence

N 34° 54' 26" W 14.00 feet to a point which is the northeasterly corner of Temporary Easement TE-8, thence

S 82° 46' 33" W 118.24 feet along the northerly line of Temporary Easement TE-7 to a point at land now or formerly Michel El-Khoury, thence

N 25° 56' 43" E a distance of 6.86 feet to the point of beginning.

Said parcel contains an area of 652 square feet, more or less.

Permanent Easement U-9: An easement over a certain parcel of land being shown as U-9 on a plan entitled "Easement Plan of Land, Hathaway Road, Mt. Pleasant Street And Nauset Street, New Bedford, MA (Bristol County)", dated December 23, 2019, prepared

by Surveying and Mapping Consultants, Braintree, MA, recorded herewith (the "Plan"), said easement being more particularly bounded and described as follows:

Beginning at a point which is the intersection of the easterly line of Mt. Pleasant Street and the northerly sideline of Nauset Street, thence

N 22° 02' 08" W 6.12 feet by the easterly sideline of Mt. Pleasant Street to a point, thence

N 79° 24' 43" E 85.19 feet, partially by Temporary Easement TE-11, to a point, thence

S 10° 35' 17" E 6.00 feet to a point in the northerly sideline of Nauset Street, thence

S 79° 24' 43" W 83.97 feet by the northerly sideline of Nauset Street to the point of beginning.

Said parcel contains an area of 507 square feet, more or less.

TE-1

Beginning at a point in the westerly sideline of Hathaway Road, thence

Northwesterly by land now or formerly of Washburn Realty, LLC 3 feet more or less, thence

Northeasterly by land now or formerly of Washburn Realty, LLC by a non-tangent curve to the left a distance of 80 feet more or less to the southerly line of Permanent Utility Easement U-1, thence

Easterly along Permanent Utility Easement U-1 4 feet more or less to the westerly sideline of Hathaway Road, thence

Southwesterly along the westerly sideline of Hathaway Road by a non-tangent curve to the right a distance of 82 feet more or less to the point of beginning, said Temporary Easement comprises an area of 243 square feet, more or less.

TE-2

Beginning at a point in the westerly sideline of Hathaway Road, thence

Westerly by Permanent Utility Easement U-1 4 feet more or less, thence

Northeasterly by land now or formerly of Washburn Realty, LLC by a non-tangent curve to the left a distance of 313 feet more or less, thence

Northerly again by land now or formerly of Washburn Realty, LLC 92 feet more or less, thence

Northerly by land now or formerly of Washburn Realty, LLC 28 feet more or less to the southerly corner of Permanent Utility Easement U-2, thence

Northeasterly by Permanent Utility Easement U-2 9.00 feet, thence

Southeasterly along the westerly sideline of Hathaway Road 58.39 feet, thence

Southwesterly along Permanent Sidewalk Easement, SW-1, by a curve to the right a distance of 46 feet more or less, thence

Southwesterly along the westerly sideline of Hathaway Road by a curve to the right a distance of 338 feet more or less to the point of beginning, said Temporary Easement comprises an area of 1,724 square feet, more or less.

TE-3

Beginning at a point in the southerly sideline of Nauset Street, thence

Easterly along Permanent Utility Easement U-6 84 feet more or less, thence

Southwesterly by land now or formerly of Millenium Grind II Realty, LLC 19 feet more or less, thence

Westerly by land now or formerly of Michel El-Khoury 97 feet more or less, thence

Northeasterly along Permanent Utility Easement U-5 27 feet more or less, thence

Easterly along the southerly sideline of Nauset Street by a curve to the right a distance of 4 feet more or less to the point of beginning, said Temporary Easement comprises an area of 1,656 square feet, more or less.

TE-4

Beginning at a point in the westerly sideline of Mt. Pleasant Street, thence

Southeasterly along the westerly sideline of Mt. Pleasant Street 182 feet more or less, thence

Westerly along Permanent Easement E-1 by a curve to the right a distance of 28 feet more or less, thence continuing

Westerly along Permanent Easement E-1 54 feet more or less, thence continuing

Westerly along Permanent Easement E-1 by a curve to the right a distance of 50 feet more or less, thence continuing

Northwesterly along Permanent Easement E-1 by a curve to the right a distance of 16 feet more or less to the easterly sideline of Hathaway Road, thence

Northeasterly along the easterly sideline of Hathaway Road by a curve to the left a distance of 175 feet more or less to the intersection of the easterly line of Hathaway Road and the westerly line of Mt. Pleasant Street thence

Easterly along the easterly sideline of Hathaway Road by a curve to the right a distance of 2 feet more or less to the point of beginning, said Temporary Easement comprises an area of 12,501 square feet more or less.

TE-5

Beginning at a point in the easterly sideline of Mt. Pleasant Street, thence

Northwesterly along the sideline of Mt. Pleasant Street 77 feet more or less, thence

Northwesterly along the sideline of Mt. Pleasant Street by a curve to the right a distance of 51.97 feet, thence

Northeasterly along Permanent Utility Easement U-7 19 feet more or less, thence

Northwesterly along Permanent Utility Easement U-7 6 feet more or less, thence

Southwesterly along Permanent Utility Easement U-7 17 feet more or less, thence

Northerly along the easterly sideline of Mt. Pleasant Street by a curve to the right a distance of 51 feet more or less, thence

Easterly by land now or formerly of Sun Nominee Trust 8 feet more or less, thence

Southerly by land now or formerly of TDC Realty Trust by a curve to the left a distance of 38 feet more or less, thence

Easterly by land now of formerly of TDC Realty Trust 52 feet more or less, thence

Southeasterly by land now or formerly of TDC Realty Trust by a curve to the left a distance of 40 feet more or less, thence

Westerly by land now or formerly of TDC Realty Trust 52 feet more or less, thence

Southeasterly by land now or formerly of TDC Realty Trust by a curve to the left a distance of 28 feet more or less, thence

Southeasterly by land now or formerly of TDC Realty Trust 79 feet more or less, thence

Westerly by land now or formerly of TDC Realty Trust 8 feet more or less to the point of beginning, said Temporary Easement comprises an area of 3,507 square feet, more or less.

TE-6

Beginning at a point in the easterly sideline of Mt. Pleasant Street, thence

Northerly along the easterly sideline of Mt. Pleasant Street by a curve to the right a distance of 77 feet more or less, thence continuing

Northerly along the easterly sideline of Mt. Pleasant Street 4 feet more or less, thence

Easterly by land now or formerly of Massachusetts Department of Transportation, 4 feet more or less, thence

Southerly by land now or formerly of Sun Nominee Trust by a curve to the left a distance of 42 feet more or less, thence

Easterly by land now of formerly of Sun Nominee Trust 4 feet more or less, thence

Southerly by land now or formerly of Sun Nominee Trust by a curve to the left a distance of 38 feet more or less, thence

Westerly by land now or formerly of TDC Realty Trust 8 feet more or less to the point of beginning, said Temporary Easement comprises an area of 475 square feet, more or less.

TE-7

Beginning at a point in the easterly line of land now or formerly Michel El-Khoury which is also the northeasterly corner of TE-3, thence

Easterly along Permanent Utility Easement U-8 118 feet more or less, thence

Southeasterly along Permanent Utility Easement U-8 2 feet more or less, thence

Westerly by land now or formerly of Millenium Grind II Realty, LLC 125 feet more or less, thence

Northeasterly by land now or formerly of Michel El-Khoury 11 feet more or less to the point of beginning, said Temporary Easement comprises an area of 620 square feet, more or less.

TE-8

Beginning at a point in the westerly sideline of Mt. Pleasant Street, thence

Southeasterly along the westerly sideline of Mt. Pleasant Street 65 feet more or less, thence

Southwesterly by land now or formerly of Millenium Grind II Realty, LLC 6 feet more or less, thence

Northwesterly by land now or formerly of Millenium Grind II Realty, LLC 58 feet more or less, thence

Northwesterly along Permanent Utility Easement U-8 16 feet more or less, thence

Northeasterly along Permanent Utility Easement U-8 2 feet more or less, thence

Southeasterly along Permanent Easement E-2 by a curve to the right a distance of 13 feet more or less to the point of beginning, said Temporary Easement comprises an area of 448 square feet, more or less.

TE-10

Beginning at a point in the easterly sideline of Mt. Pleasant Street, thence

North along the easterly sideline of Mt. Pleasant Street 32 feet more or less, thence

Easterly along Permanent Sidewalk Easement SW-2 by a curve to the right a distance of 13 feet more or less, thence continuing

Easterly along Permanent Sidewalk Easement SW-2 5 feet more or less, thence

Northwesterly along Permanent Sidewalk Easement SW-2 3 feet more or less, thence

Easterly along the southerly sideline of Nauset Street 57 feet more or less, thence

Southeasterly by land now or formerly of Texfer, Inc. 13 feet more or less, thence

Westerly by land now or formerly of Lucky Realty Trust 65 feet more or less, thence

Southeasterly by land now or formerly of Lucky Realty Trust 25 feet more or less, thence

Easterly by land now or formerly of Lucky Realty Trust 3 feet more or less, thence

Southeasterly by land now or formerly of Lucky Realty Trust Lucky Realty Trust 2 feet more or less, thence

Westerly by land now or formerly of George & Efstathia Tsonis 4 feet more or less to the point of beginning, said Temporary Easement comprises an area of 989 square feet, more or less.

TE-11

Beginning at a point in the easterly sideline of Mt. Pleasant Street, thence

Northwesterly along the easterly sideline of Mt. Pleasant Street 96 feet more or less, thence

Easterly by land now or formerly of TDC Realty Trust 8 feet more or less, thence

Southeasterly by land now or formerly of TDC Realty Trust 96 feet more or less, thence

Westerly along Permanent Utility Easement U-9 8 feet more or less to the point of beginning, said Temporary Easement comprises an area of 767 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 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:

<u>EASEMENT OR PARCEL #</u>	<u>NEW BEDFORD ASSESSOR'S PLAT & LOT #</u>	<u>NAME OF SUPPOSED OWNER</u>	<u>AWARD OF DAMAGES</u>
TE-1	101-8	Washburn Realty, LLC	\$5,200.00
TE-2		92 Kilburn St.	
SW-1		New Bedford, MA 02740	
U-1			
U-2		<u>Mortgagee:</u> Fall River Five Cents Savings Bank 79 North Main Street Fall River, MA 02720	
TE-3	101-11	Michel El-Khoury	\$16,800.00
U-5		43 Elizabeth St.	
U-6		Fairhaven, MA 02719	

Mortgagee:
St. Anne’s Credit Union of Fall River
286 Oliver St.
Fall River, MA 02724

TE-4 E-1	101-7	City of New Bedford 133 William St. New Bedford, MA 02740	\$0.00
TE-5 U-7	102-83	Scott P. Brown, Trustee TDC Realty Trust 140 Elliott Street, Suite 6 Beverly, MA 01915	\$11,600.00 \$700.00
TE-11 U-9	102-67	Scott P. Brown, Trustee TDC Realty Trust 140 Elliott Street, Suite 6 Beverly, MA 01915	\$2,500.00 \$3,500.00
U-3	102-81	ADV New Bedford Associates, LLC 1765 Merriman Road Akron, OH 44313	\$500.00

Easement:
Franklin Building & Development Corp.
615 Tarkiln Hill Road
New Bedford, MA 02745

Lessee:
Advance Stores Company, Inc.
5008 Airport Road
Roanoke, VA 24012

Mortgagee:
KeyBank National Association
4910 Tiedeman Road, 3rd Floor
Mail Code: OH-01-51-0311
Brooklyn, OH 44144
Attn: Real Estate Capital Servicing

U-4	101-5	Arec 6 LLC c/o U-Haul International P.O.Box 29046 Phoenix, AZ 85038	\$500.00
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Lessee:
UHIL 6, LLC
c/o 2727 N. Central Avenue

Phoenix, AZ 85004

<u>Mortgagee:</u> Wilmington Trust, National Association, As Trustee for the Benefit of the Registered Holders of JPMBB Commercial Mortgage Securities Trust, 2014-C22, Commercial Mortgage Pass-Through Certificates, Series 2014-C22 1100 North Market Street Wilmington, DE 19890			
TE-6	102-165	Sumner Steinberg, Trustee The Sun Nominee Trust 131 Nauset Street New Bedford, MA 02746	\$2,400.00
E-2 TE-7 TE-8 U-8	101-19	Millenium Grind II Realty LLC 3021 Acushnet Avenue New Bedford, MA 02745	\$12,200.00
TE-10 SW-2	97-1	Hou Qi Xu, Trustee The Lucky Realty Trust 143 Holly Street New Bedford, MA 02746	\$4,600.00

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 2020 and 2021 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 2020-2021

TE-1 TE-2 SW-1 U-1 U-2	101-8	Washburn Realty, LLC 92 Kilburn St. New Bedford, MA 02740	NONE
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TE-3 U-5 U-6	101-11	Michel El-Khoury 43 Elizabeth St. Fairhaven, MA 02719	NONE
TE-4 E-1	101-7	City of New Bedford 133 William St. New Bedford, MA 02740	NONE
TE-5 U-7	102-83	Scott P. Brown, Trustee TDC Realty Trust 140 Elliott Street, Suite 6 Beverly, MA 01915	NONE
TE-11 U-9	102-67	Scott P. Brown, Trustee TDC Realty Trust 140 Elliott Street, Suite 6 Beverly, MA 01915	NONE
U-3	102-81	ADV New Bedford Associates, LLC 1765 Merriman Road Akron, OH 44313	NONE
U-4	101-5	Arec 6 LLC c/o U-Haul International P.O.Box 29046 Phoenix, AZ 85038	NONE
TE-6	102-165	Sumner Steinberg, Trustee The Sun Nominee Trust 131 Nauset Street New Bedford, MA 02746	NONE
E-2 TE-7 TE-8 U-8	101-19	Millenium Grind II Realty LLC 3021 Acushnet Avenue New Bedford, MA 02745	NONE
TE-10 SW-2	97-1	Hou Qi Xu, Trustee The Lucky Realty Trust 143 Holly Street New Bedford, MA 02746	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 2020 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.

January 23, 2020

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 altering and improving the Hathaway Road Triangle, including but not limited to roadway and sidewalk reconstruction, traffic signals, signs, pavement markings, and for all other uses incidental to said 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, temporary and permanent easements, located in New Bedford as hereinafter described, for the purpose of altering and improving the Hathaway Road Triangle, including but not limited to roadway and sidewalk reconstruction, traffic signals, signs, pavement markings, and for all other uses incidental to said municipal purposes:

TE-9

Beginning at a point in the easterly sideline of Mt. Pleasant Street, thence

Easterly by land now or formerly of Luck Realty Trust 4 feet more or less, thence

Southeasterly by land now or formerly of George & Efstathia Tsonis 28 feet more or less, thence continuing

January 23, 2020

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 altering and improving the Hathaway Road Triangle, including but not limited to roadway and sidewalk reconstruction, traffic signals, signs, pavement markings, and for all other uses incidental to said municipal purposes; and

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TE-9

Beginning at a point in the easterly sideline of Mt. Pleasant Street, thence

Easterly by land now or formerly of Luck Realty Trust 4 feet more or less, thence

Southeasterly by land now or formerly of George & Efstathia Tsonis 28 feet more or less, thence continuing

Southwesterly by land now or formerly of George & Efstathia Tsonis 4 feet more or less, thence

Northwesterly along the easterly sideline of Mt. Pleasant Street 29 feet more or less to the point of beginning, said Temporary Parcel comprises an area of 113 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 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:

<u>EASEMENT OR PARCEL #</u>	<u>NEW BEDFORD ASSESSOR'S PLAT & LOT #</u>	<u>CERT. NO.</u>	<u>NAME OF SUPPOSED OWNER</u>	<u>AWARD OF DAMAGES</u>
TE-9	97-11	12908	George Tsonis Efstathia Tsonis P.O. Box 70592 North Dartmouth, MA 02747	\$500.00

Mortgagee:
Taunton Federal Credit Union
14 Church Green
Taunton, MA 02780

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 2020 and 2021 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 2020-2021

EASEMENT OR <u>PARCEL #</u>	NEW BEDFORD ASSESSOR'S <u>PLAT & LOT #</u>	<u>NAME OF SUPPOSED OWNER</u>		<u>TAX AWARD</u>
TE-9	97-11	12908	George Tsonis Efsthathia Tsonis P.O. Box 70592 North Dartmouth, MA 02747	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 2020 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.