

City of Northampton

MASSACHUSETTS

In City Council, November 20, 2014

Upon recommendation of the Mayor

Ordered, that

WHEREAS, a petition has been duly filed to layout and accept Massasoit Avenue as a public way; and

WHEREAS, the petition has been referred to the Planning Board and to the Board of Public Works; and

WHEREAS, the Board of Public Works has held a duly noticed public hearing on the petition to layout and accept the public way; and

WHEREAS, both the Planning Board and the Board of Public Works have recommended laying out and accepting Massasoit Avenue as a public way;

NOW, THEREFORE, BE IT ORDERED

That the City Council authorizes the acquisition by gift, purchase, eminent domain or otherwise, an easement in and over the parcels of land shown as shown as "Massasoit Avenue" on a plan entitled, "Plan of Land in Northampton, Massachusetts, Hampshire County, Surveyed for the City of Northampton," dated May 27, 2014, for the purpose of laying out, establishing and accepting public ways thereon.

Further, that the City Council hereby lays out, establishes and accepts as a public way the parcels to be acquired hereunder.

And further, that no damages shall be payable as a result of the any taking authorized herein and no betterments shall be assessed as a result of the laying out, establishing and accepting such public way.

ORDER OF TAKING

The undersigned, being the duly elected and sitting members of the City Council of the City of Northampton, in the Commonwealth of Massachusetts, acting under the authority of and in accordance with the provisions of General Laws of the Commonwealth, as from time to time amended, and more particularly Chapter 79, and pursuant to the Order of the Northampton City Council, a true copy of which is attached hereto, does hereby take a perpetual easement for and on behalf of the Inhabitants of the City of Northampton over the parcels referenced below. The purpose of the taking hereunder is the laying out, establishing and accepting of a public way in and for the City of Northampton in accordance with Mass. Gen Laws ch. 82, and Northampton Code of Ordinances, § 285-31, et seq.

The parcels hereby taken are shown as "Massasoit Avenue" on a plan entitled, "Plan of Land in Northampton, Massachusetts, Hampshire County, Surveyed for the City of Northampton," dated May 27, 2014, to be recorded herewith. The parcels are more particularly bounded and described as set forth on Exhibit A, attached hereto.

No damages shall be payable as a result of this taking and no betterment shall be assessed as a result of the laying out and acceptance of the public way herein.

Excepting and excluding from this taking any and all water and sewer lines within the layout hereby established, which water and sewer lines shall be the responsibility of the owners of the fee interest in the way.

[THE REMAINDER OF THIS PAGE INTENTIONALL LEFT BLANK]

IN WITNESS WHEREOF, We, the City Council of the City of Northampton, have executed this Order of Taking this day of , 2014.

WITNESS TO ALL:

CITY COUNCIL, CITY OF NORTHAMPTON, MA

William H. Dwight
AT-LARGE COUNCILOR

Jesse M. Adams
AT-LARGE COUNCILOR

Maureen T. Carney
WARD 1 COUNCILOR

Paul D. Spector
WARD 2 COUNCILOR

Ryan R. O'Donnell
WARD 3 COUNCILOR

Gina-Louise Sciarra
WARD 4 COUNCILOR

David A. Murphy
WARD 5 COUNCILOR

Marianne L. LaBarge
WARD 6 COUNCILOR

Alisa Klein
WARD 7 COUNCILOR

CERTIFICATE OF THE CLERK
CITY COUNCIL, CITY OF NORTHAMPTON, MA

I, Pamela L. Powers, the Clerk of the City Council of the City of Northampton, MA, hereby certify that the attached Order of Taking of certain easements located in Northampton, Hampshire County, Massachusetts, was executed on 2014, by William H. Dwight, Jesse M. Adams, Maureen T. Carney, Paul D. Spector, Ryan R. O'Donnell, Gina-Louise Sciarra, David A. Murphy, Marianne L. LaBarge, and Alisa Klein, who as of that day, were and are the duly elected members of the City Council of the City of Northampton, MA.

Signed this day of , 2014.

Pamela L. Powers
Clerk to City Council
City of Northampton, Massachusetts

EXHIBIT A

Beginning at a point, said point marks the northwesterly corner of a parcel, now or formerly Mikkel C. & Shauneen S. Kroll as described in a deed recorded in Book 1334 Page 119 of the Hampshire Registry District, said point being located on the easterly line of Massasoit Street, said point being marked by a stone bound found, said point being the southwesterly corner of the parcel herein described, thence;

N 35°58'12" E along said Massasoit Street, a distance of 15.00 feet, to a point, said point marks the southwesterly corner of a parcel, now or formerly Andrew Pollack & Barbara P. Tytell as described in a deed recorded in Book 3781 Page 36, said point being located on the easterly line of Massasoit Street, said point being the northwesterly corner of the parcel herein described, thence;

S 55°09'35" E along said Pollack & Tytell, land now or formerly David H. Brewer & Jocelyn A. Young, as described in a deed recorded in Book 11682 Page 347, a distance of 200.84 feet to a point, said point marks the westerly line of a parcel, now or formerly Brian Burrell, as described in a deed recorded in Book 4733 Page 224, said point being the northeasterly corner of the parcel herein described, thence;

S 37°14'56" W along said Burrell and land now or formerly Elise G. Young as described in a deed recorded in Book 6887 Page 295, a distance of 11.86 feet, to a point, said point being marked by an iron rod found, thence;

S 37°14'56" W along said Young, a distance of 3.15 feet to a point, said point marks the northeasterly land now or formerly Charles E. & Blanche S. Derby, Co-Trustees of the Revocable Indenture of Trust of Blanche Derby, as described in a deed recorded in Book 11217 Page 302, said point being the southeasterly corner of the parcel herein described, thence;

N 55°09'35" W along said Derby, land of said Kroll, a distance of 200.51 feet to the point of beginning.

The above described parcel contains 3,010 square feet more or less, being depicted as Massasoit Avenue on a plan entitled, "Street Acceptance Plan, Plan of Land in Northampton MA, Hampshire County, prepared for The City of Northampton ", dated 05-27-2014. Prepared by Northeast Survey Consultants.

The basis of bearing being the Massachusetts Coordinate System NAD 83

Being a portion of the premises conveyed in the following deeds recorded in the Hampshire Registry of Deeds: Book 3781, Page 36, Book 11682, Page 347, Book 11217, Page 302, Book 334, Page 119.

