

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 as Exhibit A, does hereby take a perpetual easement on, over, and under the parcel referenced below for and on behalf of the Inhabitants of the City of Northampton. The purpose of the taking hereunder is to enter the parcel on foot and with equipment to inspect, construct, repair, and replace drainage structures and elements, and generally to perform drainage improvements to avoid erosion of Rocky Hill Road (Route 66).

The easement hereby taken is on, over and under that certain parcel on the north side of Rocky Hill Road shown as “Lot 29 – Non Building Lot for Culvert Maintenance” on a plan of land entitled “Definitive Subdivision Plan Prepared for The Community Builders, Inc.,” dated December 16, 2002, revised May 19, 2003 and May 21, 2003, and recorded in the Hampshire Registry of Deeds in Plan Book 196, Page 70. The parcel taken hereunder is more particularly bounded and described as set forth on Exhibit B, attached hereto.

The City awards nominal damages to the fee holders of Lot 29 as set forth in Exhibit C, attached hereto, inasmuch as the site sufficiently threatens the highway to qualify for a FEMA Hazard Mitigation Grant, and the City, through the FEMA grant, will be performing drainage improvements that will significantly limit the landowners’ liability for potential damage to the highway. Nothing herein shall be deemed to otherwise relieve the fee holders of Lot 29 from their obligation to maintain and repair drainage structures thereon so as to protect the integrity of the highway.

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IN WITNESS WHEREOF, We, the City Council of the City of Northampton, have executed this Order of Taking this _____ day of May, 2020.

WITNESS TO ALL:

CITY COUNCIL, CITY OF NORTHAMPTON, MA

Gina-Louise Sciarra
AT-LARGE COUNCILOR

William H. Dwight
AT-LARGE COUNCILOR

Michael Quinlan, Jr.
WARD 1 COUNCILOR

Karen Foster
WARD 2 COUNCILOR

James Nash
WARD 3 COUNCILOR

John Thorpe
WARD 4 COUNCILOR

Alex Jarrett
WARD 5 COUNCILOR

Marianne L. LaBarge
WARD 6 COUNCILOR

Rachel Maiore
WARD 7 COUNCILOR

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

I, Laura Krutzler, 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 May____, 2020, by Gina-Louise Sciarra, William H. Dwight, Michael Quinlan, Jr., Karen Foster, James Nash, John Thorpe, Alex Jarrett, Marianne L. LaBarge, and Rachel Maoire, 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 May, 2020.

Laura Krutzler
Clerk to City Council
City of Northampton, Massachusetts

EXHIBIT A
CITY COUNCIL ORDER

EXHIBIT B
LEGAL DESCRIPTION

EXHIBIT C
TITLEHOLDERS AND LIENHOLDERS