

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, in fee simple, for and on behalf of the Inhabitants of the City of Northampton, the parcel of land, with all buildings and improvements thereon, described in Exhibit B, attached hereto. The parcel of land taken herein shall be in the custody and control of the Northampton Conservation Commission for administration, control, and maintenance under the provisions of M.G.L. Chapter 40, § 8C, as amended, and shall be held in accordance with Article 97 of the Amendments to the Massachusetts Constitution and the Community Preservation Act. The purpose of this taking is for permanent conservation land, reserving the right to build, maintain, repair, and replace a rail trail and multi-use trail across the parcel, and to grant the inhabitants of the City of Northampton and to the general public an easement to pass and repass, on foot and non-motorized conveyance, upon said rail trail and multiuse trail.

The owners and lienholders of the parcels taken hereunder, and the damages awarded, if any, are set forth in Exhibit C, attached hereto. In accordance with M.G.L. Chapter 79 § 6, as amended, such damage awards are made by the City of Northampton for damages sustained by the owner or owners and all other persons, including all mortgagees of record, having any interest in the property and entitled to any damages by reason of the taking. The City of Northampton reserves the right to amend the award at any time prior to payment for good cause shown.

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IN WITNESS WHEREOF, the duly elected and sitting members of the City Council of the City of Northampton, have executed this Order of Taking this ____ day of _____, 2023.

WITNESS TO ALL:

CITY COUNCIL, CITY OF NORTHAMPTON, MA

Marissa Elkins
AT-LARGE COUNCILOR

Jamila Gore
AT-LARGE COUNCILOR

Stanley W. Moulton, III
WARD 1 COUNCILOR

Karen Foster
WARD 2 COUNCILOR

James Nash
WARD 3 COUNCILOR

Garrick M. Perry
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 a certain premises in fee simple located in Northampton, Hampshire County, Massachusetts, was executed on _____, 2023, by Marissa Elkins, Jamila Gore, Stanley W. Moulton, III, Karen Foster, James Nash, Garrick M. Perry, Alex Jarrett, Marianne L. LaBarge, and Rachel Maiore, who as of that day, were and are the duly elected members of the City Council of the City of Northampton, Massachusetts.

Signed this ____ day of _____, 2023.

Laura Krutzler
Clerk to City Council
City of Northampton, Massachusetts

**EXHIBIT A
CITY COUNCIL ORDER**

April 13, 2023

Upon the recommendation of Conservation Commission and Mayor Gina-Louise Sciarra

BE IT ORDERED

WHEREAS, The *Open Space, Recreation and Multi-Use Plan* recommends expanding the **Connecticut River Greenway** to preserve the wildlife corridor along and to the Connecticut River; and

WHEREAS, On September 2, 2010, City Council approved an Order authorizing the City to purchase land along the Connecticut River south of Hatfield Road as part of the Connecticut River Greenway in the care and custody of the conservation commission, and reserving the right to build a rail trail or shared use path on this land; and

WHEREAS, On April 1, 2011, the City acquired a 50% undivided interest in 10.672 acres of the authorized Connecticut River Greenway (Assessors Map 13-054, Hampshire Registry deed at Book 10516, Book 307 and survey shown as Parcel N at Plan Book 224, Page 97); and

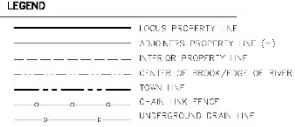
WHEREAS, In 12 years of approaching the owner, the City has been unable to secure the final 50% interest in said land, with its critical conservation values;

NOW, THEREFORE BE IT ORDERED,

That City Council approves the attached Order of Taking on the above referenced land

Further, the Conservation Commission and the Mayor are authorized to grant conservation restrictions on said land and any necessary construction access or easement for the reserved rail trail (shared use path). The property shall be held under the care, custody and control of the Conservation Commission and any such conservation restrictions are found to be in the public interest pursuant to Section 32 of Chapter 184 of the Massachusetts General Laws.

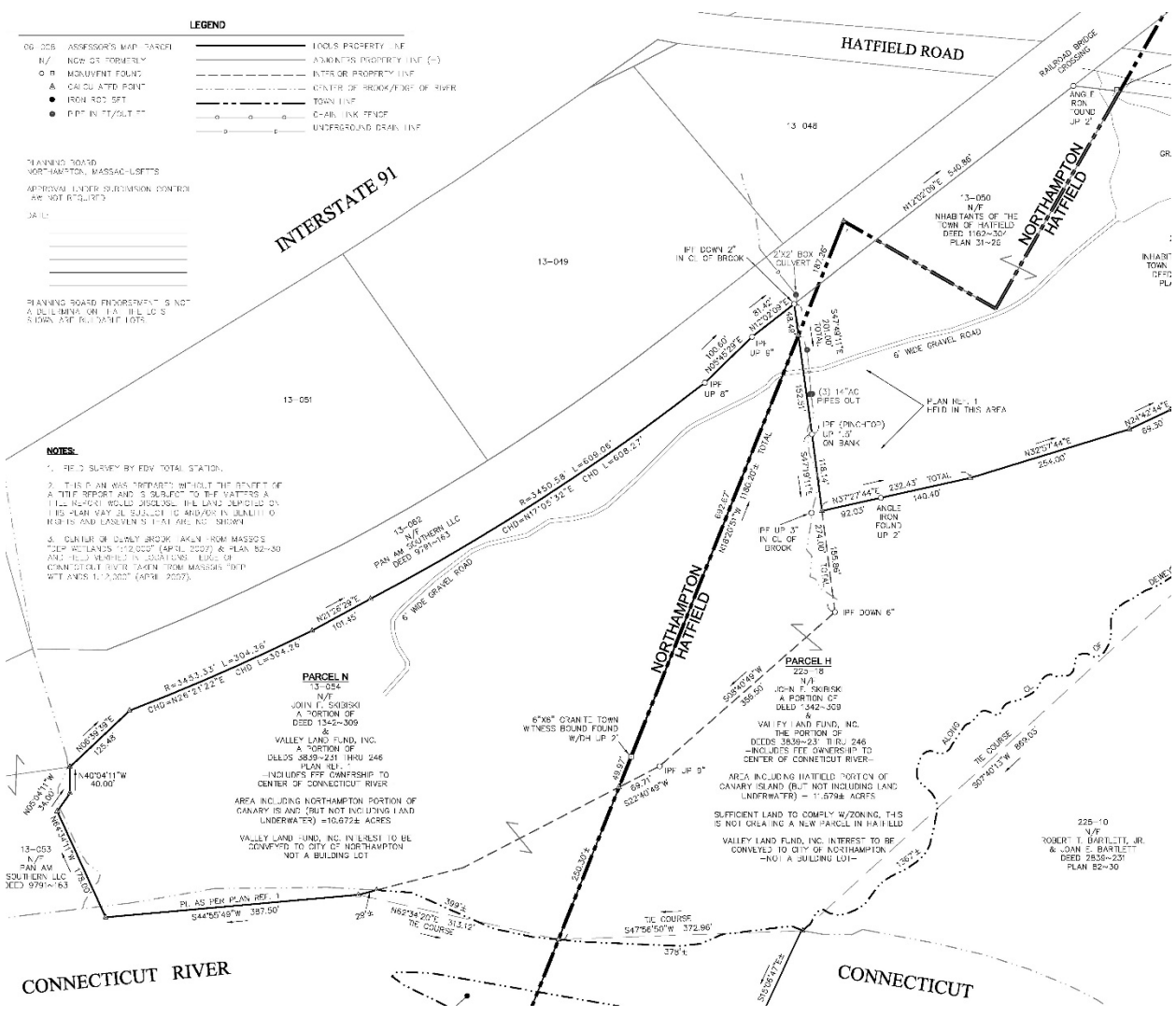
06.005 ASSESSOR'S MAP (HARD)
 N/1 NAD 83 POINTS
 O 11 MONUMENT POINT
 A 5/8" DIA. IRON POINT
 ● IRON ROD SET
 ● P.P. IN "T"/"ULT. T"



TRAINING ROAD
 NORTHAMPTON, MASSACHUSETTS
 APPROVAL UNDER SUBDIVISION CONTROL
 ARE NOT REQUIRED

PLANNING BOARD ENDORSEMENTS NOT
 A REQUIREMENT FOR THE RECORDS
 SHOWING THE PLANNING BOARD

- NOTES:**
1. REF. TO SURVEY BY EDV TOTAL STATION.
 2. THIS PLAN WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND IS SUBJECT TO THE VARIATIONS A TITLE REPORT WOULD REVEAL. THE LAND SURVEYOR DOES NOT WARRANT THE ACCURACY OF ANY AND/OR IS UNLAWFUL TO REPRESENT OR WARRANT THAT ANY ARE NOT SHOWN.
 3. OWNER OF DAILY SHOW ACRYL FROM MASSACHUSETTS "DEER ISLANDS" (192-000' (480' (2022) & PLAN 82-30 AND 11-1-1987) SHOULD PROVIDE THE LAND SURVEYOR WITH THE PLAN VARY SUBJECT TO AND/OR IS UNLAWFUL TO REPRESENT OR WARRANT THAT ANY ARE NOT SHOWN.



CONNECTICUT RIVER

CONNECTICUT

225-10
 N/1
 ROBERT T. BARTLETT, JR.
 & JOHN S. BARTLETT
 DEED 2838-237
 PLAN 82-30

EXHIBIT B
DESCRIPTION

An undivided 50% interest in a 10.672 acre, more or less, parcel of land located off the southeasterly side of Hatfield Road in Northampton and shown as "Parcel N" on a plan of land entitled Plan of Land in Northampton and Hatfield, Hampshire Registry, Prepared for the City of Northampton, dated February 14, 2011, and recorded in the Hampshire Registry of Deeds in Plan Book 224, Page 97.

For title see deed of John F. Skibiski. Jr., trustee under an indenture of trust dated June 19, 1974, as amended on December 18, 1980, to John F Skibiski Realty Partnership dated May 6, 2022, and recorded in the Hampshire Registry of Deeds in Book 14552, Page 181. See also Certificate of Merger recorded in said registry in Book 14755, Page 50.

EXHIBIT C

OWNERS, LIENHOLDERS and DAMAGES

Parcel N

Owner: Skibiski Realty, LLC (one-half undivided interest)

Lienholder: None

Damages: Six Thousand Dollars (\$6,000.00).