

THE COMMONWEALTH OF MASSACHUSETTS : Hampshire, 85. ORDER OF TAKING .

WHEREAS, the Amherst Redevelopment Authority, a public body, politic and corporate, duly organized and existing pursuant to the provisions of the Housing and Urban Renewal Law of the Commonwealth of Massachusetts (Chapter 1215, General Laws), and having its principal place of business in Amherst, County of Hampshire; and

WHEREAS, the said Amherst Redevelopment Authority, in pursuance of its powers as set out in the said Housing and Urban Renewal Law, and every other power thereunto enabling, has determined that the area or areas hereinafter described within its jurisdiction constitutes an area to be used for the purpose of an Urban Renewal Project as defined in Section 45 of the Housing and Urban Renewal; and

WHEREAS, the Town of Amherst has determined that there exists in said Amherst the need for an urban renewal program, in accordance with Section 4 of the Housing and Urban Renewal Law; and

WHEREAS, the Amherst Redevelopment Authority, in accordance with Section 48 of the Housing and Urban Renewal Law, has submitted the Urban Renewal Plan of said project to the Massachusetts Department of Community Affairs, and to the Board of Selectmen and Town Manager of the Town of Amherst and the Massachusetts Department of Community Affairs has approved said project by giving written notice of its approval to the said Authority in accordance with the provisions of Section 48 of said Housing and Urban Renewal Law; and

WHEREAS, the Selectmen, with the approval of the Town Manager of the Town of Amherst, after due notice and a public hearing has approved said project in accordance with Section 48 of the Housing and Urban Renewal Law; and

WHEREAS, the Amherst Redevelopment Authority has determined that the taking in fee simple and the taking of an easement by eminent domain of the hereinafter described area or areas is necessary and reasonably required to carry out the purposes of the Housing and Urban Renewal Law or any of its sections; and

WHEREAS, the Amherst Redevelopment Authority, in accordance with the provisions of Section 11, Subsection (d) of the Housing and Urban Renewal Law, has deposited with the Selectmen of the Town of Amherst security to their satisfaction for the payment of such damages as may be awarded in accordance with law to the supposed be , owner(s) of the hereinafter described areas as required by General Laws, Chapter 79, Section 40.

NOW, THEREFORE, ORDERED, that the Amherst Redevelopment Authority, acting under the provisions of Section 11 of the Housing and Urban Renewal Law, and all other authority thereunto enabling, and pursuant to the applicable provisions of General Laws, Chapter 79, and of any and every other power and authority to it granted or implied, hereby **takes for itself in fee simple** and hereby **takes an easement by eminent domain** for the purposes hereinbefore set forth, the area or areas hereinafter described, including all parcels of land therein, the trees, buildings, and other structures standing upon or affixed thereto, and including the fees to the center of any and all streets, highways, and public ways, contiguous and adjacent to the said area or areas but excluding any and all easements of public highways and public easements of travel in and to any and all streets, highways and public ways, contiguous and adjacent to the said area or areas, which said area or areas are situated in the Town of Amherst, as bounded and described as hereinafter set forth.

Amherst Redevelopment Authority - Order of Taking

SUPPOSED OWNERS: George M. and Constance Andrews

AWARD: \$12,167.00

PARCEL DESCRIPTION

A parcel of land in Amherst, Mass., lying a short distance northerly of Main Street, more particularly bounded and described as follows:

Beginning at a point in the westerly border of land now or formerly of Kane Nursing Home, Inc., thence running

N 39° 07' 26" W along other land of the grantor a distance of **76.99** feet to a point: thence

N 72° 57' 59" E along land now or formerly of Samuel J. Jr. and Mina E. Luccier and Lewis B. and Ethel Freedman, a distance of **47.53** feet to a point in the westerly border of land of said Kane Nursing Home, Inc; thence

S 2° 26' 22" E along said westerly border a distance of **73.72** feet to the point of beginning and containing approximately **1695** square feet.

Meaning and intending to describe the same premises conveyed to George M. and Constance Andrews by deed of Mary E. Holmes, dated **October 8, 1946**, and recorded in the Hampshire County Registry of Deeds, on **October 9, 1946** in Book 1009, Page 374 Said parcel of land being more particularly shown as Parcel 10 on a plan entitled Boltwood Walk Project -- Acquisition Plan, prepared for Amherst Redevelopment Authority by Gordon E. Ainsworth & Associates, Inc., Registered

Land Surveyors and Engineers, dated **June 22, 1973**, revised **September 11, 1974**, and recorded in the Hampshire County Registry of Deeds.

EASEMENT DESCRIPTION

An easement over land in Amherst, Mass., more particularly bounded and described as follows:

Beginning at a point in the northerly sideline of Main Street, said point marking the line between land of the grantor herein and land of Charles D. Meakim; thence

N 5° 27' 26" W a distance of **116.00** feet to a point; thence

N 72° 57' 59" E along the southerly border of land now or formerly of Samuel J. Jr. and Mina E. Luecier and Lewis B. and Ethel Freedman a distance of **48.67** feet to a point; thence

S 39° 07' 26" E along other land of the grantor a distance of **76.99** feet to a point in the westerly border of land now or formerly of Kane Nursing Home, Inc.; thence

S 76° 45' 54" W a distance of **19.35** feet to a point; thence

N 39° 07' 26" W a distance of **48.85** feet to a point; thence

S 79° 37' 34" W a distance of **33.52** feet to a point; thence

S 3° 29' 00" W a distance of **25.58** feet to a point; thence

S 13° 14' 06" E a distance of **35.82** feet to a point; thence

S 7° 11' 13" E a distance of **35.20** feet to point in the northerly border of Main Street; thence

S 80° 28' 50" W a distance of **12.68** feet to the point of beginning.

Said easement is for the purpose of enhancing the tract of land acquired by Amherst Redevelopment Authority described in the above Parcel Description, as well as other land of said Amherst Redevelopment Authority. Said easement shall consist of the following express rights and all rights reasonably incidental thereto:

The right to cross and recross, by foot or vehicle;

The right to install, maintain and replace any and all utilities, whether above or below ground;

The right to pave any part of, or the entire tract, with paving materials deemed suitable by Amherst Redevelopment Authority, its successors or assigns, for its or their purposes;

The right to landscape any or all portions of the said tract, including the right to place trees, shrubs, plants or other form of vegetation deemed suitable by Amherst Redevelopment Authority, its successors or assigns, for its or their purposes;

The right to place upon any or all portions of the tract movable property deemed suitable by Amherst Redevelopment Authority, its successors or assigns, for its or their purposes;

The right to maintain and service any part of or the entire tract in such a manner as is deemed suitable by Amherst Redevelopment Authority, its successors or assigns, for its or their purposes;

The right to design review of building construction or alteration in accordance with the provisions of the Final Project Report filed with the Massachusetts Department of Community Affairs by Amherst Redevelopment Authority.

Said easement is expressly intended not to unreasonably interfere with grantor's continuing rights to all space, including presently existing or future over-hanging structures, and the right to improve, maintain, repair or replace said overhanging structures.

Meaning and intending to describe the same premises conveyed to George M. and Constance Andrews by deed of Mary E. Holmes, dated **October 8, 1946**, and recorded in the Hampshire County Registry of Deeds, on October 9, 1946, in Book 1009, Page 374.

Said easement being more particularly shown on a plan entitled Boltwood Walk Project -- Acquisition Plan, prepared for Amherst Redevelopment Authority by Gordon E. Ainsworth & Associates, Inc., Registered Land Surveyors and Engineers, dated June 22, 1973, revised September 11, 1974, and recorded in the Hampshire County Registry of Deeds,

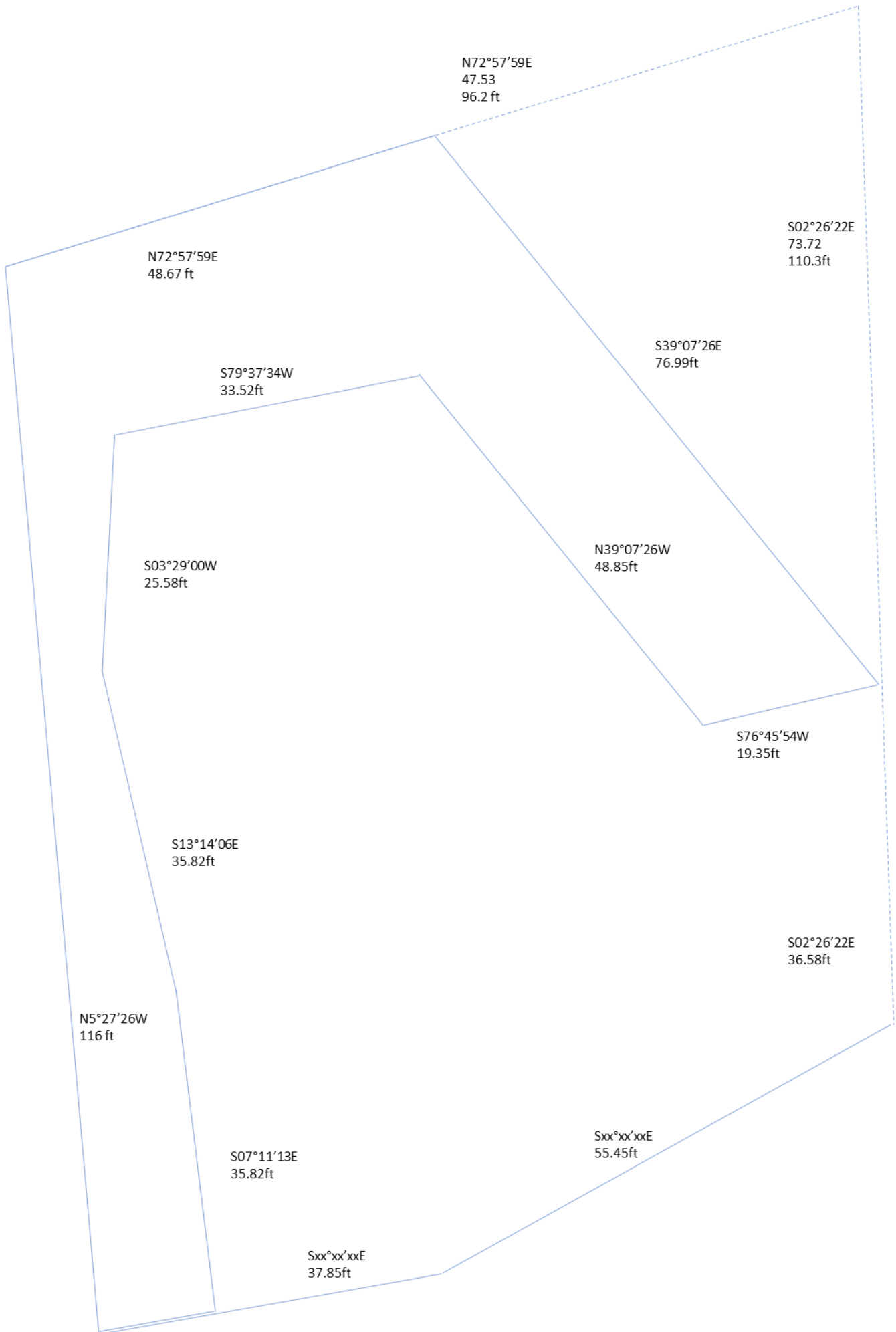
AND FURTHER ORDERED that the Secretary of the Amherst Redevelopment Authority cause this instrument of Taking to be re-recorded at the Hampshire County Registry of Deeds in Northampton, Massachusetts.

All names of owners herein given, although supposed to be correct, are such only as a matter of opinion and belief.

IN WITNESS WHEREOF, we, the members of the Amherst Redevelopment Authority, hereby have caused the corporate seal of the Authority to be hereto affixed and these presents to be signed in the name and behalf of the Amherst Redevelopment Authority this seventh day of April in the year of our Lord one thousand nine hundred and seventy-five.

ATTEST: AMHERST REDEVELOPMENT AUTHORITY

May 7, 1975 at 12 o'clock & 13 Mins. P.M. Rec'd, Ent'd & Exam'd.



N72°57'59E
47.53
96.2 ft

N72°57'59E
48.67 ft

S02°26'22E
73.72
110.3ft

S79°37'34W
33.52ft

S39°07'26E
76.99ft

S03°29'00W
25.58ft

N39°07'26W
48.85ft

S76°45'54W
19.35ft

S13°14'06E
35.82ft

S02°26'22E
36.58ft

N5°27'26W
116 ft

S07°11'13E
35.82ft

Sxx°xx'xxE
55.45ft

Sxx°xx'xxE
37.85ft

