



Sponsor: Administration

## TOWN OF FRANKLIN

### RESOLUTION 16-61

#### CONFIRMATORY ORDER OF TAKING – UNIMPROVED LAND OFF LINCOLN STREET LOCATED IN ROLLING BROOK ESTATES RESIDENTIAL SUBDIVISION

**WHEREAS**, by virtue of Massachusetts General Laws Chapter 40, Section 14, the Town of Franklin, acting by and through its Town Council, is authorized to take by eminent domain under Massachusetts General Laws Chapter 79, lands, easements and other interests in land for municipal purposes; and

**WHEREAS**, the acquisition of land shown as Parcel B on definitive subdivision plan for Rolling Brook Estates recorded at Norfolk Registry of Deeds in Plan Book 651, Page 93, together with access easements shown on said plan, off Lincoln Street, Franklin, Massachusetts, is recommended by the Town Administrator; and

**WHEREAS**, the owners of said parcel of unimproved land, Nitor Development, Inc. conveyed said parcel, together with access easements, to the Town of Franklin by “Quitclaim Deed and Grant of Easements” dated September 13, 2016 and recorded on September 28, 2016 at Norfolk Registry of Deeds in Book 34509, Pg. 107, and

**WHEREAS**, the taking by eminent domain of said parcel of unimproved land, together with access easements, off Lincoln Street, Franklin, Massachusetts, will vest in the Town of Franklin clear title to said land; and

**WHEREAS**, no land damages are anticipated; and

**WHEREAS**, the taking by eminent domain of said parcel off Lincoln Street, Franklin, Massachusetts, together with access easements, for municipal purposes, is in the best interests of the Town of Franklin.

#### **NOW, THEREFORE, BE IT ORDERED THAT:**

1. The Town Council of the Town of Franklin, by virtue of and in exercise of and in part the execution of the power and authority conferred by said statutes, hereby adjudges that public necessity and convenience require the taking by eminent domain of the parcel of land, together with access easements, off Lincoln Street, Franklin, Massachusetts, described below, for municipal purposes.
2. The Town of Franklin, acting by and through the Town Council, by virtue of and in the exercise of the power and authority conferred by said statutes and in accordance with the provisions of Massachusetts General Laws Chapter 79, and all and every other power and authority it does possess, DOES HEREBY TAKE BY

EMINENT DOMAIN the fee in the following described parcel of land for municipal purposes.

Description of Property

A certain parcel of unimproved land located off Lincoln Street, together with access easements, described in an instrument from Nitor Development, Inc. dated September 13, 2016 captioned "Quitclaim Deed and Grant of Easements" and recorded on September 28, 2016 at Norfolk Registry of Deeds in Book 34509, Pg. 107, containing 934,064 square feet, according to said instrument, together with access easements described in said instrument.

- 3. The Town Treasurer and Town Comptroller are directed and the Town Administrator is directed and authorized to do all things and to execute all documents necessary for the prompt payment of the amount of damages awarded in this Order of Taking so that the same shall be payable within sixty (60) days after the right to damages becomes vested in the persons from whom the above described land was taken. The Town Administrator is further directed to direct the Town Attorney for and on behalf of the Town Council to give notice of this taking and pertinent information to every person entitled thereto in accordance with the provisions of Massachusetts General Laws Chapter 79, Sections 7B, 7C, 7F, 7G, 8A and 8B.
- 4. This Order of Taking confirms and makes clear the Town of Franklin's title to the above-described parcel of land which was conveyed to the Town of Franklin by above-described instrument from Nitor Development, Inc. dated September 13, 2016 and recorded on September 28, 2016 at Norfolk Registry of Deeds in Book 34509, Pg. 107.

This Resolution shall become effective according to the rules and regulations of the Town of Franklin Home Rule Charter.

**DATED:** \_\_\_\_\_, 2016

**VOTED:**  
**UNANIMOUS** \_\_\_\_\_

**A True Record Attest:**

**YES** \_\_\_\_\_ **NO** \_\_\_\_\_

**ABSTAIN** \_\_\_\_\_

**Teresa M. Burr**  
**Town Clerk**

**ABSENT** \_\_\_\_\_

\_\_\_\_\_  
**Judith Pond Pfeffer, Clerk**  
**Franklin Town Council**

FOR REVISION USE ONLY

DATE DESIGNED: 7/25/14

DATE OF ISSUE: MAY 2, 2010

PROJECT NUMBER: 1507-003

SCALE: 1" = 40'

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LOWRY PLAN, THIS PLAN IS A REVISION OF THE ORIGINAL PLAN AND IS NOT TO BE CONSIDERED AS A SEPARATE PLAN. THE REVISIONS TO THE ORIGINAL PLAN ARE INDICATED BY THE DASHED LINES AND THE REVISIONS TO THE ORIGINAL PLAN ARE INDICATED BY THE DASHED LINES.

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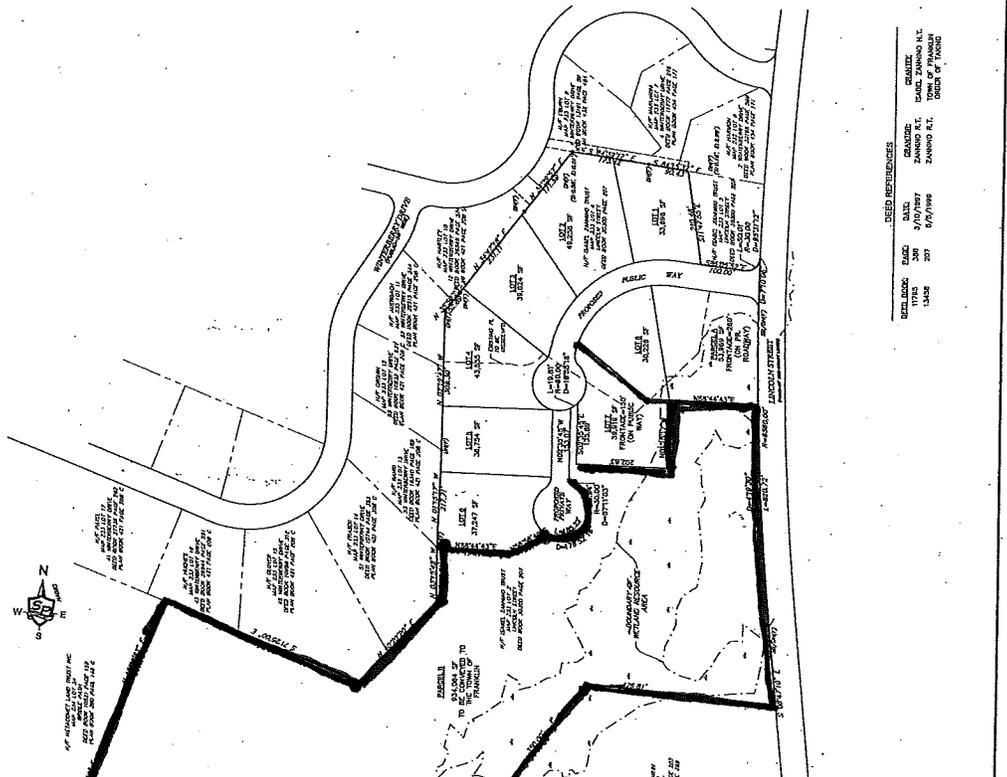
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