



SPONSOR: ADMINISTRATION

TOWN OF FRANKLIN

RESOLUTION: 18-40

ADOPTION AND EXECUTION OF ORDER OF TAKING TO ENABLE WIDENING AND OTHER ROADWAY IMPROVEMENTS ALONG RT. 140 AT ITS INTERSECTION WITH MAPLE STREET AT FRANKLIN-BELLINGHAM TOWN LINE

WHEREAS, the Town of Bellingham has been working with the Massachusetts Department of Transportation on a roadway improvement project to relieve traffic congestion at the intersection of Rt. 140 and Maple Street at the Franklin-Bellingham town line which involves widening of Rt. 140 and making other roadway improvements and the Town of Franklin has been cooperating with said effort, and

WHEREAS, it is necessary to obtain easements from private property owners whose property immediately abuts Rt. 140 in Franklin to enable the widening and other roadway improvements and an Order of Taking, a true copy of which is attached hereto as "Exhibit A" has been prepared for said purpose, and

WHEREAS, by virtue of Massachusetts General Law 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, land for municipal purposes, including but not limited to roadway improvement projects which increase public safety and convenience;

NOW, THEREFORE, BE IT ORDERED THAT:

1. The Town Council of the Town of Franklin, by virtue of and in exercise of the power and authority conferred by said statutes, hereby adjudges that public safety, necessity and convenience require the taking by eminent domain of the interests in land described in the Order of Taking attached hereto as "Exhibit A" and therefore adopts said Order of Taking and votes to execute the original of said instrument.
2. The original of said Order of Taking shall be recorded, together with a copy of this Resolution, if deemed legally-necessary, at the Norfolk County Registry of Deeds.
3. The Chairman of the Franklin Town Council is hereby authorized to execute any other documents and to take any other action deemed legally necessary to effectuate the purpose and intent of this Resolution and/or the above-described Order of Taking.

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

DATED: _____, 2018

VOTED:

UNANIMOUS _____

A True Record Attest:

YES _____ NO _____

ABSTAIN _____

Teresa M. Burr
Town Clerk

ABSENT _____

Glenn Jones, Clerk
Franklin Town Council

Exhibit A

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS.

TOWN OF FRANKLIN

ORDER OF TAKING

At a regularly convened meeting of the Town Council of the Town of Franklin (the "Town") held on this _____ day of _____, 2018, it was voted and ordered as follows:

The Town Council of the Town of Franklin, duly elected, qualified, and acting as such, on behalf of the Town and by virtue of and in accordance with the authority of the vote taken on _____, 2018, the provisions of Chapter 79 and Chapter 82, Sections 21-14 of the General Laws, and any and every other power and authority hereunto enabling it in any way, hereby takes, for all purposes for which public ways are used, including, without limitation, for the purpose of undertaking Route 140 (West Central Street) Intersection Improvement Project (the "Project"), the following interests in, on and under certain parcels of land abutting or near West Central Street and shown more particularly on a plan entitled: "Plan Showing Easements for Street Widening of Mechanic/Maple/So. Maple Intersection Improvements Town of Franklin/Town of Franklin (Norfolk County)," dated October 6, 2017, prepared by Lighthouse Land Surveying, LLC, recorded with the Norfolk Registry of Deeds herewith in Plan Book _____, Plan ____ (the "Plan"), as set forth more particularly below:

1. Permanent easements in, on and under the parcels of land shown on the Plan as "Parcel 14-E-3" (containing 3,359± square feet), "Parcel 14-E-2" (containing 1,485± square feet), and "Parcel 14-E-4"(containing 27± square feet) (collectively, the "Roadway Easement Premises") for any and all purposes for which public ways are used in the Town of Franklin, together with attendant customary uses, including, without limitation, for the purposes of constructing, inspecting, operating, maintaining, repairing, removing, replacing, relocating, and abandoning in place rights of way and any and all structures and facilities necessary or convenient to support the same, or related thereto, including, without limitation, rights of way, sidewalks, guardrails, support or retaining walls, signs, drains, utilities (including water and sewer), and any related appurtenances;
2. Permanent easements in, on, and under the parcel of land shown on the Plan as: "Parcel PUE-5-F" (containing 617± square feet) (the "Utility Easement Premises"), for the purpose of installing, constructing, improving, inspecting, maintaining, repairing, replacing, relocating and/or abandoning in place utilities within the Utility Easement Premises and all appurtenances related thereto, including, but not limited to, water, sewer, drainage, guy wires, anchors, bolts, poles, conduits, telephone lines and wires, and for any and all purposes and uses incidental thereto;
3. Permanent easements in, on and under the parcels of land shown on the Plan as "Parcel DE-1-F" (containing 3,605± square feet) and "Parcel DE-2-F" (containing 3,408± square

feet) (together, the "Drainage Easement Premises") for the purpose of directing, collecting, and disposing of drainage waters, wherever they may originate, and constructing, inspecting, operating, maintaining, repairing, removing, replacing, relocating, and abandoning in place a stormwater drainage system, including, without limitation, drains, pipes, manholes, conduits, culverts, catch basins, retention and/or detention basins, and any structures and facilities associated therewith; and

4. Temporary construction easements in, on, over, under and along the parcels of land shown on the Plan as: "Parcel TE-6-F" (containing 1,057 ±square feet), "Parcel TE-7-F" (containing 1,246± square feet) and "Parcel TE-8-F" (containing 68± square feet) (together, the "Temporary Construction Premises"), for the purpose of undertaking the Project, including, without limitation, grading land, constructing, operating, improving, maintaining, repairing, replacing, relocating, realigning and/or reconstructing slopes of excavation and/or embankment and/or driveway aprons, sidewalks, retaining walls, stone walls, landscaping, loaming, planting trees, seeding, paving, and/or erosion control, which temporary construction easements shall terminate automatically two (2) years from the date on which this Order of Taking is recorded with the Norfolk District Registry of Deeds without the necessity of recording any instrument with said Deeds. Nothing in this paragraph shall affect the permanent easements acquired by the Town hereunder.

The Town shall have the right to enter upon and pass over the Roadway Easement Premises, the Utility Easement Premises, the Drainage Premises and the Temporary Easement Premises (collectively, the "Easement Premises") from time to time, by foot, vehicle, or heavy equipment, for all any and all purposes stated herein and uses necessary or incidental thereto, including, without limitation, using and temporarily storing, as needed, construction equipment, materials or other incidental items within the Easement Premises for the purposes set forth herein. No temporary or permanent buildings, structures or other objects shall be constructed, installed or placed upon the Roadway Easement Premises, the Utility Easement Premises and the Drainage Easement Premises, and, for the duration of the temporary easements, within the Temporary Construction Premises. The Town may assign such easements or authorize use of such easement areas by any utility company.

The Easement Premises are described more particularly in Exhibit A, attached hereto and incorporated herein.

The taking includes the right of the Town to remove any buildings, structures, objects, utilities and/or vegetation (including trees and shrubs) now or hereafter located within the Easement Premises whenever their removal shall be necessary or convenient to exercise the rights taken hereunder and/or for the purposes set forth herein. Utilities and related facilities located within the Easement Premises that are owned by private utility companies and easements held by private utility companies are not taken.

The parcels of land subject to said easements are owned or supposed to be owned and/or formerly owned by the parties listed in Schedule A, which parties are hereinafter collectively referred to as Owners. If in any instance the name of any Owner is not correctly stated, the names of the supposed Owners being given as of this Order of Taking, it is understood that in such instance the land referred to is owned by an Owner or Owners unknown to us.

Some of the Owners have waived damages, and we award no damages for the taking to said Owners. The amount awarded as damages to the other Owner or Owners of said parcels in accordance with the provisions of G.L. c.79, §6, as amended, and to any other person or corporation having an interest therein, is set forth on Schedule B attached hereto and incorporated herein, but which shall not be recorded with the Norfolk Registry of Deeds.

Betterments are not to be assessed under this taking.

[signature page follows]

IN WITNESS WHEREOF, we, the duly elected and authorized members of the Franklin Town Council have hereunto set our hands and seals on this ____ day of _____, 2018.

TOWN OF FRANKLIN,
By its Town Council

THE COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss.

On this ____ day of _____, 2018, before me, the undersigned notary public, personally appeared _____, member(s) of the Franklin Town Council, as aforesaid, who proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is signed on the preceding document, and acknowledged to me that he/she/they signed it voluntarily for its stated purpose on behalf of the Town of Franklin.

Notary Public
My Commission Expires:

EXHIBIT A

Description of Easements

The easements described below are shown on a plan entitled "Plan Showing Easements for Street Widening of Mechanic/Maple/So. Maple Intersection Improvements Town of Bellingham/Town of Franklin (Norfolk County)," dated October 6, 2017, prepared by Lighthouse Land Surveying, LLC, to be recorded herewith.

Parcel 14-E-2

A parcel, located in the southerly sideline of West Central Street, in the Town of Franklin, County of Norfolk, the Commonwealth of Massachusetts, and being bounded and described as follows:

Beginning at a point on the southerly sideline of West Central Street, at the northwesterly corner of the parcel herein described; thence running

N 75°31'31" E a distance of about 250 feet to a point, thence turning and running

S 02°53'19" E a distance of about 10 feet to a point, thence turning and running

S 77°22'36" W a distance of about 249 feet to a point, thence turning and running

N 02°38'15" E a distance of about 2 feet to the Point of Beginning.

The above described parcel contains an area of 1,485± s.f. and is more particularly shown and described as **14-E-2** on a plan entitled: *Plan of Road in the Town of Franklin, Norfolk County, altered and laid out as a State highway by the Massachusetts Department of Transportation, Highway Division, (Layout No. 8636)*, Prepared by: Lighthouse Land Surveying, LLC.

Parcel 14-E-3

A parcel, located in the northerly sideline of West Central Street, in the Town of Franklin, County of Norfolk, the Commonwealth of Massachusetts, and being bounded and described as follows:

Beginning at a point on the northerly sideline of West Central Street, at the southeasterly corner of the parcel herein described; thence running

S 75°31'31" W a distance of about 306 feet to a point, thence turning and running

N 16°50'18" E a distance of about 16 feet to a point, thence turning and running

N 76°34'53" E a distance of about 298 feet to a point, thence turning and running

N 14°29'41" W a distance of 8.34 feet to the Point of Beginning.

The above described parcel contains an area of 3,359± s.f. and is more particularly shown and described as **PARCEL 14-E-3** on a plan entitled: *Plan of Road in the Town of Franklin, Norfolk County, altered and laid out as a State highway by the Massachusetts Department of Transportation, Highway Division, (Layout No. 8639)*, Prepared by: Lighthouse Land Surveying, LLC.

Parcel 14-E-4

A parcel, located in the southerly sideline of West Central Street, in the Town of Franklin, County of Norfolk, the Commonwealth of Massachusetts, and being bounded and described as follows:

Beginning at a point on the southerly sideline of West Central Street, at the northwesterly corner of the parcel herein described; thence running

- N 75°20'02" E a distance of about 2 feet to a point, thence turning and running
- S 16°15'18" E a distance of about 10 feet to a point, thence turning and running
- S 77°22'36" W a distance of about 4 feet to a point, thence turning and running
- N 02°52'58" W a distance of about 10 feet to the Point of Beginning.

The above described parcel contains an area of 27± s.f. and is more particularly shown and described as **14-E-4** on a plan entitled: *Plan of Road in the Town of Franklin, Norfolk County, altered and laid out as a State highway by the Massachusetts Department of Transportation, Highway Division, (Layout No. 8636)*, Prepared by: Lighthouse Land Surveying, LLC.

Parcel DE-1-F

A drainage easement, located in the northerly sideline of West Central Street, in the Town of Franklin, County of Norfolk, the Commonwealth of Massachusetts, and being bounded and described as follows:

Beginning at a point on the northerly sideline of West Central Street, at the southeasterly corner of the drainage easement herein described; thence running

- S 75°31'31" W a distance of about 9 feet to a point, thence turning and running
- N 14°29'41" W a distance of 8.34 feet to a point, thence turning and running
- S 76°34'53" W a distance of about 17 feet to a point, thence turning and running
- N 15°02'06" W a distance of 81.41 feet to a point, thence turning and running
- N 46°45'03" W a distance of 27.91 feet to a point, thence turning and running

N 45°28'42" E a distance of 20.02 feet to a point, thence turning and running
 S 46°45'03" E a distance of 23.81 feet to a point, thence turning and running
 N 74°57'54" E a distance of 23.02 feet to a point, thence turning and running
 S 08°19'23" E a distance of about 104 feet to the Point of Beginning.

The above described drainage easement contains an area of 3,605± s.f. (0.083± acres) and is shown on the aforementioned plan as **Parcel DE-1-F**.

Parcel DE-2-F

A drainage easement, located in the northerly sideline of West Central Street, in the Town of Franklin, County of Norfolk, the Commonwealth of Massachusetts, and being bounded and described as follows:

Beginning at a point on the northerly sideline of West Central Street, at the southeasterly corner of the drainage easement herein described; thence running

S 75°31'31" W a distance of about 39 feet to a point, thence turning and running
 N 08°19'23" W a distance of about 104 feet to a point, thence turning and running
 N 74°57'54" E a distance of 26.71 feet to a point, thence turning and running
 S 15°02'06" E a distance of 104.03 feet to the Point of Beginning.

The above described drainage easement contains an area of 3,408± s.f. (0.078± acres) and is shown on the aforementioned plan as **Parcel DE-2-F**.

Parcel PUE-5-F

A permanent utility easement, located in the northerly sideline of West Central Street, in the Town of Franklin, County of Norfolk, the Commonwealth of Massachusetts, and being bounded and described as follows:

Beginning at a point on the northerly sideline of West Central Street, at the southeasterly corner of the permanent utility easement herein described; thence running

S 76°35'23" W a distance of 142.71 feet to a point, thence turning and running
 N 12°13'53" E a distance of 7.84 feet to a point, thence turning and running
 N 78°49'17" E a distance of 75.74 feet to a point, thence turning and running
 N 09°43'15" W a distance of 8.07 feet to a point, thence turning and running

N 80°16'45" E a distance of 6.00 feet to a point, thence turning and running
 S 09°43'15" E a distance of 8.01 feet to a point, thence turning and running
 N 80°21'18" E a distance of 57.76 feet to the Point of Beginning.

The above described permanent utility easement contains an area of 617± s.f. (0.014± acres) and is shown on the aforementioned plan as **Parcel PUE-5-F**.

Parcel TE-6-F

A temporary easement, located in the northerly sideline of West Central Street, in the Town of Franklin, County of Norfolk, the Commonwealth of Massachusetts, and being bounded and described as follows:

Beginning at a point on the northerly sideline of West Central Street, at the southeasterly corner of the temporary easement herein described; thence running

S 76°34'53" W a distance of about 147 feet to a point, thence turning and running
 S 80°20'59" W a distance of 57.76 feet to a point, thence turning and running
 N 09°43'34" W a distance of 8.01 feet to a point, thence turning and running
 S 80°16'26" W a distance of 6.00 feet to a point, thence turning and running
 S 09°43'34" E a distance of 8.07 feet to a point, thence turning and running
 S 78°48'58" W a distance of 75.74 feet to a point, thence turning and running
 N 12°13'53" E a distance of about 5 feet to a point, thence turning and running
 N 78°48'58" E a distance of 71.70 feet to a point, thence turning and running
 N 09°43'34" W a distance of 5.20 feet to a point, thence turning and running
 N 80°41'18" E a distance of 10.00 feet to a point, thence turning and running
 S 09°43'34" E a distance of 5.02 feet to a point, thence turning and running
 N 80°20'59" E a distance of 101.29 feet to a point, thence turning and running
 N 76°35'04" E a distance of 100.99 feet to a point, thence turning and running
 S 15°02'06" E a distance of 2.00 feet to the Point of Beginning.

The above described temporary easement contains an area of 1,057± s.f. (0.024± acres) and is shown on the aforementioned plan as **Parcel TE-6-F**.

Parcel TE-7-F

A temporary easement, located in the southerly sideline of West Central Street, in the Town of Franklin, County of Norfolk, the Commonwealth of Massachusetts, and being bounded and described as follows:

Beginning at a point on the southerly sideline of West Central Street, at the northwesterly corner of the temporary easement herein described; thence running

- N 77°22'36" E a distance of about 249 feet to a point, thence turning and running
- S 02°54'12" E a distance of 5.07 feet to a point, thence turning and running
- S 77°22'36" W a distance of 249.37 feet to a point, thence turning and running
- N 01°48'03" E a distance of 5.18 feet to the Point of Beginning.

The above described temporary easement contains an area of 1,246± s.f. (0.029± acres) and is shown on the aforementioned plan as **Parcel TE-7-F**.

Parcel TE-8-F

A temporary easement, located in the southerly sideline of West Central Street, in the Town of Franklin, County of Norfolk, the Commonwealth of Massachusetts, and being bounded and described as follows:

Beginning at a point on the southerly sideline of West Central Street, at the northeasterly corner of the temporary easement herein described; thence running

- S 16°55'20" E a distance of 9.39 feet to a point, thence turning and running
- S 77°22'36" W a distance of 10.12 feet to a point, thence turning and running
- N 02°54'12" W a distance of 5.07 feet to a point, thence turning and running
- N 77°22'36" E a distance of about 4 feet to a point, thence turning and running
- N 16°55'20" W a distance of 4.00 feet to a point, thence turning and running
- N 73°04'40" E a distance of 5.00 feet to the Point of Beginning.

The above described temporary easement contains an area of 68± s.f. (0.002± acres) and is shown on the aforementioned plan as **Parcel TE-8-F**.

FRANKLIN – ROUTE 140 PROJECT

SCHEDULE B

SCHEDULE OF DAMAGES

Easement #	ADDRESS (ASSESSORS ID)	RECORD OWNER	DEED	DAMAGES
PUE-5-F (617) 14-E-3-F (3,359) TE-6-F (1,057) DE-1-F (3,605) DE-2-F (3,408)	1359 WEST CENTRAL ST. (274-013-000)	BERNON LAND TRUST LLC	30856-76 and 30586-80	\$65,730.00
14-E-2-F (1,485) TE-7-F (1,246)	1376 WEST CENTRAL ST. (274-009-000-000)	140 LLC (A/K/A ONE HUNDRED FORTY LLC)	20546-467	\$12,500.00
TE-8-F (68) 14-E-4 (27)	1342 WEST CENTRAL ST. (273-008-000- 000)	WP ALTA FRANKLIN LLC	34200-161	\$200.00