

City of Cambridge

ORDER OF TAKING

IN CITY COUNCIL

September 26, 2016

WHEREAS: By Section 30 of Chapter 43, Section 14 of Chapter 40, and Chapter 79 of the General Laws, all as amended, it is provided that the Cambridge City Council may take in fee in the name of the City for any municipal purpose any land within the limits of the City not already appropriated for public use; and

WHEREAS: The City Manager of Cambridge and City Council, in order to provide for municipal purposes, including but not limited *inter alia*, to a place for the creation of affordable, senior, and/or transitional housing and municipal purposes and for all purposes and uses accessory thereto, have approved and authorized that the City should under the provisions of the aforesaid Chapter of the General Laws take and hold for the creation of affordable, senior, and/or transitional housing and municipal space the parcel of land hereinafter bounded and described and any buildings and trees thereon; and

WHEREAS: An appropriation duly made by the City Council on September 26, 2016, is sufficient to cover the estimated expenses of acquisition as required by the aforesaid Sections of Chapters 40 and 43;

NOW THEREFORE, by virtue of and in pursuance of the authority conferred by said Chapters of the General Laws and by every other power and authority it thereto enabling, the City of Cambridge by its City Council does hereby take the hereinafter described, parcel located at 1-15 Vail Court, Cambridge, County of Middlesex MA and all privileges and appurtenances thereto belonging as well as all trees and all structures thereon, excepting any easement of record shown on the plan recorded herewith, for municipal purposes, including but not limited to, *inter alia*, a place for the creation of affordable, senior, and/or transitional housing and other municipal purposes and for all purposes and uses accessory thereto. Intending to take and hereby taking in fee simple all land, excepting any easement of record shown on the plan recorded herewith, included within such description by whomsoever the same may be owned. Vis:

A certain parcel of land with the buildings thereon, now numbered 1-15 Vail Court (also known as 139 Bishop Richard E. Allen Drive) situated in Cambridge, Middlesex County, Massachusetts, being shown on a plan recorded with Middlesex South District Deeds, in Plan Book 260, Plan 1, bounded and described as follows:

SOUTHWESTERLY	by Austin Street, one hundred (100) feet, one (1) inch;
SOUTHEASTERLY	by land now or late of Bailey and Hubbard, two hundred eighty-eight (288) feet;
NORTHEASTERLY	by land now or late of Chaplin, one hundred six (106) feet; and
NORTHWESTERLY	by land formerly of Shawmut National Bank, this line passing through the center of a partition wall separating the house formerly standing on these premises from the house formerly standing on the adjoining land.

Containing about twenty eight thousand, one hundred seventy six (28,176) square feet more or less.

The above described Parcel of Land is more particularly shown on a plan dated June 4, 2016, prepared by John J Russell, Land Surveyor of Northern Associates, Inc. of Andover, MA and attached hereto and to be recorded herewith ("Plan").

For title to said Parcel of Land see Middlesex South Registry of Deeds Book 67489, Page 597.

The damages awarded with respect to said Parcel of Land are Three Million Seven Hundred Thousand (\$3,700,000) Dollars and title to said property is vested in Said S. Abu-Zahra, Trustee of Equity Realty Trust u/d/t dated March 21, 2014 and recorded with Middlesex South Registry of Deeds ("Middlesex So.") in Book 63397, Page 283 by virtue of deed dated June 23, 2016 and recorded in Book 67489, Page 597 subject to a civil action filed by Abeer, Inc. v. Six S. Realty Trust, et.al. in the Middlesex Superior Court, on October 21, 2013 bearing civil action no: 1381CV04600 seeking to enforce an alleged offer to purchase the subject property.

ORDERED: The taking of fee simple title in the Parcel of Land, excepting any easement of record shown on the Plan attached hereto and to be recorded herewith, along with all buildings and trees thereon herein described is hereby authorized in accordance with General Laws, Chapter 40, Section 14, Chapter 43, Section 30 and Chapter 79, all as amended for municipal purposes, including but not limited

to, *inter alia*, a place for the creation of affordable, senior, and/or transitional housing and other municipal purposes and for all purposes and uses accessory thereto.