

TOWN OF BRAINTREE

IN COUNCIL

ORDER NO: 10 036A

DATE: March 24, 2010

ORDERED: Mayor

Adopt Order of Taking and Intention to Alter Layout of Union, Middle and Lisle Streets and Refer to Planning Board for Vote

Be it ordained by the Town Council for the Town of Braintree , in accordance with the authority of the provisions of Chapter 79 of the General Laws, as amended, and any and every other power and authority which is hereunto in any way enabling, hereby votes, orders, and takes, on behalf of the Town, the following interests in lands:

- A. Easement interests for all purposes for which public ways are used in the Town of Braintree, and for all purposes and uses incidental thereto, for the purposes of constructing, inspecting, repairing, removing, replacing, operating and forever maintaining the portions of Union Street, Middle Street and Lisle Street, including the installation, construction, operation and maintenance of utilities in, over, under, through, across and upon the land so taken, being easements in land identified as 1-T, 2-T and 3-T shown on a plan entitled "Acceptance Plan 2010 Middle Street Permanent Roadway Easement (PRE)," Prepared for the Town of Braintree, dated 03/12/10, prepared by the Town of Braintree DPW Engineering Division, to be recorded with the Norfolk Registry of Deeds; and
- B. Temporary construction easements for the purpose of constructing, inspecting, repairing, removing and replacing the portions of Union Street, Middle Street and Lisle Street, and for all purposes and uses incidental thereto, in, over, under, through, across and upon the land so taken, being the interests in land identified as TE-26, TE-27 and TE-28. Said temporary easements shall terminate automatically three (3) years after this Order of Taking is recorded with the Norfolk Registry of Deeds, at which time all rights in said easements shall revert to the owners thereof.

Said land is owned or supposed to be owned and/or formerly owned by the persons listed in Schedule A, attached hereto and incorporated herein, hereinafter collectively referred to as the 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.

The amount awarded as damages sustained by the Owner or Owners of said property in accordance with the provisions of G.L., Chapter 79, Section 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 said Deeds. Said damages are to be paid using Chapter 90 funds.

No betterments are to be assessed under this taking.

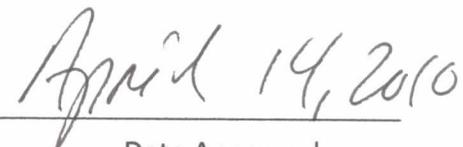
Any and all trees and structures located upon the easements taken are included in this taking.

There is excepted from the rights hereby taken any existing easements held by public utility companies for the installation of electricity, telephone, gas, water or other services.

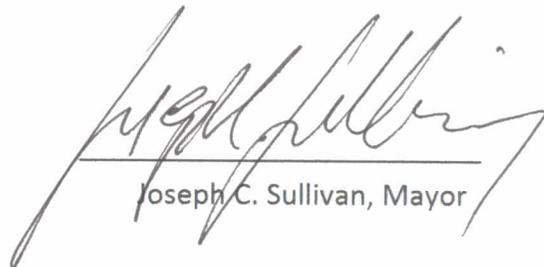
Passed in Council: April 12, 2010
Presented to Mayor: April 14, 2010
A True Copy, Attest:



Joseph F. Powers, Town Clerk



Date Approved



Joseph C. Sullivan, Mayor

YEAS: Bowes, Clifford, DeNapoli, Dingee, Joyce, Kokoros, Mullaney, Powers, Ryan
NAYS: Bowes, Clifford, DeNapoli, Dingee, Joyce, Kokoros, Mullaney, Powers, Ryan
ABSENT: Bowes, Clifford, DeNapoli, Dingee, Joyce, Kokoros, Mullaney, Powers, Ryan

(2/3 Vote Required)

TOWN OF BRAINTREE

IN COUNCIL

ORDER NO: 10 036B

DATE: March 24, 2010

ORDERED: Mayor

Adopt Order of Taking and Intention to Alter Layout of Union, Middle and Lisle Streets and Refer to Planning Board for Vote

Be it ordained that The Town Council of the Town of Braintree, having considered the proposed alteration of layout of portions of Union Street, Middle Street and Lisle Street, shown on a plan entitled "Acceptance Plan 2010 Middle Street Permanent Roadway Easement, Prepared for the Town of Braintree, dated 03/12/10, prepared by Town of Braintree DPW Engineering Division," hereby deems that public convenience and necessity require the alteration of layout and taking of permanent roadway easements of said portions of Union Street, Middle Street and Lisle Street, in the manner shown on said Plan, and refers the said proposed alteration of layout to the Planning Board for its report thereon, pursuant to G.L. c. 41, §81I.

Passed in Council: April 12, 2010

Presented to Mayor: April 14, 2010

A True Copy, Attest:

April 14, 2010

Date Approved



Joseph F. Powers, Town Clerk



Joseph C. Sullivan, Mayor

YEAS: Bowes, Clifford, DeNapoli, Dingee, Joyce, Kokoros, Mullaney, Powers, Ryan

NAYS: Bowes, Clifford, DeNapoli, Dingee, Joyce, Kokoros, Mullaney, Powers, Ryan

ABSENT: Bowes, Clifford, DeNapoli, Dingee, Joyce, Kokoros, Mullaney, Powers, Ryan

(Majority Vote Required)