

**CITY OF SOMERVILLE
IN THE CITY COUNCIL: September __. 2025**

ORDER OF TAKING

WHEREAS, the City Council of the City of Somerville, acting on behalf and in the name of the City of Somerville, hereby declare that the public necessity and convenience require the property described below and any and all property rights therein, to be taken by Eminent Domain for a public purpose, including but not limited to municipal parking.

WHEREAS, all preliminary requirements prescribed by law having been met as required under Massachusetts General Laws c. 79, §1;

NOW THEREFORE, BE IT ORDERED that the City of Somerville, acting pursuant to the applicable provisions of Massachusetts General Laws, Chapter 79, as amended, and any and every power and authority to it, granted or implied, hereby takes for itself in FEE SIMPLE by eminent domain for a municipal purpose, including but not limited to municipal parking and affordable housing purposes, the following property, together with any and all easements and appurtenant rights, including trees, buildings, and other structures standing upon or affixed thereto and including the interests of the owner, if any, in all public and private streets, highways, and public and private ways within or adjacent to the property taken. Excepting from the rights herein taken are any and all easements for wires, pipes, conduits, poles and other appurtenances for the conveyance of water, sewerage, gas, oil, steam, electricity and telephone communication and other utilities now lawfully in or upon the property taken.

PROPERTY: A portion of the parcel of land at 299 Broadway, Somerville, Middlesex County, MA 02143, as shown on City of Somerville Assessors' Map 70-D-27, said portion also shown as "Proposed Lot 3" containing 5,028 s.f (0.115 acres) on a plan entitled Subdivision Plan of Land, Mark Development, LLC," prepared by Control Point Associates, Inc. and recorded in the Middlesex South Registry of Deeds as Plan 363 of 2025. Said Lot 3 will be known as 11 Temple Street upon completion of the development.

OWNER: The presumed owner of the parcel is 299 BROADWAY PROPERTY OWNER LLC, a Massachusetts domestic limited liability company with a principal place of business of 101 Station Drive, Suite 250, Westwood, MA 02090.

AWARD OF DAMAGES: \$500,000.

TITLE REFERENCES: Said Lot 3 being a portion of the property conveyed to 299 Broadway Property Owner LLC by Quitclaim Deed dated September 18, 2023, recorded with the Registry in Book 82094, Page 63 and filed for registration with the Middlesex South Registry District of the Land Court as Document No. 1945745. See also order of deregistration recorded with the Registry in Book 82861, Page 450. See also Plan 363 of 2025 recorded in the Middlesex South Registry of Deeds.

AND FURTHER ORDERED that, in accordance with the provisions of Massachusetts General Laws, Chapter 79, Section 6, as amended, awards are made by the City for damages sustained by the owner or owners of the property and all other persons, including all mortgagees of record, having any and all interest in the property taken and entitled to any damages by reason of the taking hereby made. Such awards shall include taxes legally owed pursuant to M.G.L. c. 79, §12 and any interest accruing between the date of taking and the date of payment. The City reserves the right to amend the awards at any time prior to payment for good cause shown.

AND FURTHER ORDERED that the City shall cause this Order of Taking to be recorded with the Middlesex South Registry of Deeds in Cambridge, MA, and shall notify the Treasurer and Collector of Taxes in the City of Somerville of the taking in accordance with M.G.L. c. 79, §7F.

Lance L. Davis, President

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

On this ____ day of _____, 2025, before me, the undersigned Notary Public, personally appeared the above-named Lance Davis, as President of the City of Somerville City Council, and proved to me by my own knowledge of the identity of the signatory to be the person whose name is signed above, and acknowledged the foregoing to be signed by her voluntarily in such capacity for its stated purpose.

Notary Public
My Commission Expires:

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