

**CITY OF SOMERVILLE**  
**IN THE BOARD OF ALDERMEN: \_\_\_\_\_**

**ORDER OF TAKING**

**WHEREAS**, the Board of Aldermen 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, namely for municipal public safety purposes.

**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 municipal public safety 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. The taking is also made subject to the terms and conditions of a Notice of Activity and Use Limitation dated July 25, 2011 and recorded with the Middlesex South Registry of Deeds in Book 57247, Page 317 to which a portion of the property acquired remains subject.

**PROPERTY:** A parcel of land at 515 Somerville Avenue, Somerville, Middlesex County, MA 02143 containing 46,852 s.f., more or less, as shown on City of Somerville Assessors' Map 52-H-38.

**OWNER:** The presumed owner is DEVB LLC, a Massachusetts Limited Liability Company, with a business address of 689 Somerville Avenue, Somerville, Massachusetts 02143.

**AWARD OF DAMAGES:** \$4,875,000

**TITLE REFERENCE:** Deed dated April 24, 2014, recorded with the Middlesex South District Registry of Deeds in Book 63569, Page 571.

**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.

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William A. White, Jr., President

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

On this \_\_\_\_ day of \_\_\_\_\_, 2014, before me, the undersigned Notary Public, personally appeared the above-named William A. White, Jr., as President of the City of Somerville Board of Aldermen, 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 him voluntarily in such capacity for its stated purpose.

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Notary Public  
My Commission Expires: