

**COMMONWEALTH OF MASSACHUSETTS**

**WORCESTER, ss.**

**TOWN OF HARVARD**

**ORDER OF TAKING - 16 LANCASTER COUNTY ROAD, UNIT 2, LANCASTER  
COUNTY PLACE CONDOMINIUM, HARVARD, MASSACHUSETTS**

**WHEREAS**, by virtue of Massachusetts General Laws Chapter 40, Section 14, the Town of Harvard, with the approval of Town Meeting, acting by and through its Select Board, is authorized to take by eminent domain under Massachusetts General Laws Chapter 79 the fee or any lesser interest in any land located in the Town of Harvard for senior center and other municipal purposes; and

**WHEREAS**, the acquisition and taking by eminent domain of the parcels of land described below for conservation purposes was authorized by more than a two-thirds super-majority vote of the Second Session of the 2021 Town of Harvard Annual Town Meeting on October 16, 2021; and

**WHEREAS**, the acquisition and taking by eminent domain of the fee in the real property described below, for senior purposes, is in the best interests of the Town of Harvard.

**NOW, THEREFORE, BE IT ORDERED THAT:**

1. The Select Board of the Town of Harvard, by virtue of and in exercise of and in part the execution of the power and authority conferred by said statutes, hereby adjudges that public necessity and convenience require that the real property hereinafter described be taken by eminent domain for senior center purposes.

2. The Town of Harvard, acting by and through its Select Board, by virtue of and in exercise of the power and authority conferred by said statutes and in accordance with the provisions of Massachusetts General Laws Chapter 79 and all and every other power and authority it does possess, DOES HEREBY TAKE BY EMINENT DOMAIN, for senior center purposes the fee in the following described real property:

## DESCRIPTION

The condominium unit known as Unit Two (the "Unit") in the Lancaster County Place Condominium, created pursuant to a Master Deed dated October 22, 1993, and recorded with the Worcester South District Registry of Deeds in Book 15687, Page 93 (as amended to date, the "Master Deed") in accordance with and subject to the provisions of Chapter 183A of the General Laws of the Commonwealth of Massachusetts.

The Unit hereby taken is laid out as shown on a plan recorded with the Unit Deed in Book 17319, Page 242, which plan is a copy of a portion of the plans recorded with said Master Deed and to which is affixed the verified statement of a registered architect in the form required by Massachusetts General Laws, Chapter 183A, Section 9.

Said Unit is taken together with:

1.) An undivided 34% interest in the common areas and facilities of the condominium described in said Master Deed ("Common Elements").

2.) An exclusive right and easement to use the Occupancy Area surrounding said Unit Two as shown on the Site Plan recorded with said Master Deed in Plan Book 675, Plan 87 and the revised Site Plan entitled "Revised Condominium Site Plan, Lancaster County Place Condominium" prepared by Joseph P. Henry Associates, dated September 6, 1995 and recorded in Plan Book 697, Plan 10. This exclusive right and easement shall be subject to the right and obligation of the Trustees of the Lancaster County Place Condominium Trust to maintain the Common Elements of the condominium as provided in the Master Deed or in the Declaration of Trust.

3.) The right to use the Common Elements in common with the other owners of other units in the condominium, as provided in the Master Deed, including the right to use any pipes, wires, ducts, flues, cables, conduits, public utility lines, and other Common Elements located in any of the other units or elsewhere in the condominium serving the Unit.

Said Unit is taken subject to:

1.) The rights and liabilities contained in Massachusetts General Laws Chapter 183A, and any rules and regulations promulgated thereunder.

2.) The provisions of the Master Deed and Declaration of Trust and By-Laws, including all easements, rights-of way, restrictions, and covenants, and floor plans of the Condominium recited therein and incorporated herein by reference which have been recorded simultaneously with and as part of the Master Deed, as the same may be amended from time to time by instruments recorded in Worcester South District Registry of Deeds, which provisions, together with any amendments thereto, shall constitute covenants running with the land and shall bind any person having at any time any interest or estate in the Unit, his family, servants, and visitors, as though such provisions were recited and stipulated at length herein.

3.) A Driveway Maintenance Restriction recorded with said Registry of Deeds in Book 17319, Page 239 on September 15, 1995.

4.) The restriction set forth in Section 7 of the Master Deed.

The Unit is also subject to and with the benefit of all easements, agreements, restrictions and conditions of record, including utility easements, insofar as the same are in force and applicable. Any encumbrances on the Unit not mentioned or referenced above are hereby extinguished.

This taking confirms and makes clear the Town Harvard's title to the above-described condominium unit conveyed to the Town of Harvard by deed from 12 Lancaster County Road LLC recorded herewith.

3. The above-described real property shall be held in the care, custody, management and control of the Council on Aging of the Town of Harvard.

4. The Select Board awards damages sustained by the company and its property by reason of this taking as follows:

<u>OWNER OF RECORD</u>	<u>TITLE REFERENCE</u>	<u>DAMAGES</u>
12 Lancaster County Road LLC	Book 42146, Page 151,	\$1.00
12 Lancaster County Rd. Harvard, MA 01451	Worcester District Registry of Deeds	

5. The Town Finance Director is directed and authorized to do all things and to execute all documents necessary for the prompt payment of the amount of damages awarded in this Order of Taking, so that the same shall be payable within sixty (60) days after the

right to damages becomes vested in the persons from whom the property was taken. The Town Counsel is directed, for and on behalf of the of the Town to give notice of this taking and pertinent information to every person entitled thereto in accordance with the provisions of Massachusetts General Laws Chapter 79, Sections 7B, 7C, 7F, 7G, 8A and 8B.

Executed as a sealed instrument this 16th day of November, 2021.

TOWN OF HARVARD, BY:

\_\_\_\_\_  
Stuart Sklar, Chair

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Richard D. Maiore, Vice Chair

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Erin McBee, Clerk

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Alice Von Loesecke

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Kara McGuire Minar

a majority of its Select Board, duly authorized.

For authority, see attested copy of 2021 Second Session Annual Town Meeting vote recorded herewith.

COMMONWEALTH OF MASSACHUSETTS

Worcester, ss.

November 16, 2021

Then before me personally appeared Stuart Sklar, Richard D. Maiore, Erin McBee, Alice Von Loesecke and Kara McGuire Minar, proved to me through satisfactory evidence of identification, viz., personal acquaintance, to be the persons whose names are signed on the preceding document, and who acknowledged to me that they executed it voluntarily for its stated purpose as member of the Select Board of the Town of Harvard.

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, Notary Public  
My Commission Expires: