

**COMMONWEALTH OF MASSACHUSETTS
TOWN OF MARION, PLYMOUTH COUNTY
BOARD OF SELECTMEN**

ORDER OF TAKING

Whereas, on the 29th day of April, 2003, the Town of MARION, Plymouth County, Massachusetts, at its Annual Town Meeting by the adoption of Article 9 of the Warrant for that meeting duly voted to take by eminent domain under the provisions of M.G.L. c. 79 the fee interest in the land hereinafter described for the purposes of the construction of a public bicycle path for the citizens of said Town of MARION.

Now, Therefore, it is hereby ordered under the provisions of Chapter 79 of the General Laws of the Commonwealth of Massachusetts that the fee interest be taken in the following parcels of land hereinafter set forth for the public purpose of the construction of a public bicycle path.

The fee interest taken affects and pertains to recorded land.

The names of the owners of the land as herein given are assumed to be correct as appearing in various records but the fee interest, rights, privileges, and other interest of every nature as herein set forth are hereby taken, whether the ownership of such land is as described as stated or not.

The trees, structures or fixtures, if any, affixed to the land as shown on said Plan within the taken are included in this Order of Taking.

The land and area taken, and the owners who may have an interest in the land taken as herein described and the damages awarded are set forth as follows:

<u>Parcel #</u>	<u>Believed Owner(s)</u>	<u>Area Taken</u>	<u>Damages Awarded</u>
Part of Map 27, Lot 12A	A.D. Makepeace Company (Heirs of Nathan Broody)	35,341.218 sq. ft.*	\$ 648.80
Part of Map 27, Lot 2 & 2A	A.D. Makepeace Company (Heirs of Nathan Broody)	14,209.352 sq. ft.*	489.00
Part of Map 27, Lot 10 Lot 1	Dennis Mahoney & Son, Inc. (Heirs of Josiah Holmes)	2,104.864 sq. ft.*	1.00
Map 27, Lots 10 and 10A	Dennis Mahoney & Son, Inc. (Heirs of Josiah Holmes)	35,889.623 sq. ft.*	1.00
Map 27, Lot 10A	Dennis Mahoney & Son, Inc. (Heirs of Moses Swift)	16,331.438 sq. ft.*	1.00
Map 27, Lot 10A	Dennis Mahoney & Son, Inc. (Heirs of Wm. & Joseph Swift)	6.925 sq. ft.*	-0-
Map 27, Lot 1	Dennis Mahoney & Son, Inc. (Heirs of Smith)	4,676.164 sq. ft.*	1.00

Map 27, Lot 1	Dennis Mahoney & Son, Inc. (Heirs of Smith)	10,441.692 sq. ft.*	1.00
Map 24 - 30 Map 27 - 13	Wayne Walega (Heirs of James Delano)	14,065.720 sq. ft.*	484.50
Map 27 - 14	Sippican Lands Trust, Inc. (Heirs of John B. Blankinship)	23.196 sq. ft.*	.80
Map 27, 14A, 14B	Sippican Lands Trust, Inc. (Heirs of John B. Blankinship)	35,185.975 sq. ft.*	1.00
Map 27, 15	Sippican Lands Trust, Inc. (Heirs of James, Scott, John Pitcher)	14,945.131 sq. ft.*	1.00
Map 25 Lots 7 & 8	White Eagle Realty Trust (Heirs of Joseph Allen)	17,314.083 sq. ft.*	595.50
Map 25 Lots 10, 11 & 12	Sippican Lands Trust, Inc. (Heirs of Stephen C. Luce)	24,654.169 sq. ft.*	1.00
Map 25, Lot 13	Wayne Walega (Heirs of Delano)	22,147.010 sq. ft.*	406.40
Map 24, Lots 23 & 13	Wayne Walega (Heirs of E. Holmes)	74,324.897 sq. ft.*	1,364.80
Map 24, Lots 23 & 24, 13T	Wayne Walega (Heirs of E. Holmes)	13,563.742 sq. ft.*	466.50
Map 24, Lots 23, 24 & 13T	Wayne Walega (Heirs of E. Holmes)	36,160.184 sq. ft.*	1,245.00
Map 24, Lots 24, 13T, 13N	Wayne Walega (Heirs of John G. Ryder)	48,315.658 sq. ft.*	887.20
Map 24, Lots 24, 13N	Wayne Walega (Heirs of Susan Johnson)	35,974.072 sq. ft.*	660.80
Map 24, Lot 13N	Sippican, Inc. (David Lewis)	17,420.002 sq. ft.*	320.00
Map 24, Lots 13L, 13N,	Sippican, Inc. (William Handy)	21,022.335 sq. ft.*	386.40
Map 24, Lots 27	Sippican, Inc. (William Handy)	2,008.374 sq. ft.*	69.00
Map 24, Lots 13H, 27	David Lewis (Howard B. Hillier, Trustee) (Atlantis Realty Trust)	9,453.413 sq. ft.*	4,340.00

Map 24, Lots 13H, 13G, 36, 27, 28	Wayne Walega (Heirs of David Hathaway) [Assessed to Theodore Laycock, Sippican Associates Limited Partnership, Howard B. Hillier, Trustee, Atlantis Realty Trust, Freeman F. and Anna B. Gurney]	90,587.244 sq. ft.*	41,600.00
Map 24, Lots 36, 28, 34, 33 & 29	Wayne Walega (Heirs of Angel M. & Abigail Barrett, and Anselm Barrett, Seth Randall and Obed Parlow) [Assessed to Albert P. Costa, Trustee A.P. Costa Realty Trust, Freeman F. and Anna B. Gurney, Theodore Laycock, Lewis D. Hankins]	25,872.029 sq. ft.*	11,880.00
Map 24, Lots 36, 28, 34, 33 & 29	Wayne Walega (Heirs of Angel M. & Abigail Barrett, and Anselm Barrett, Seth Randall and Obed Parlow) [Assessed to Albert P. Costa, Trustee A.P. Costa Realty Trust, Freeman F. and Anna B. Gurney, Theodore Laycock, Lewis D. Hankins]	11,260.747 sq. ft.*	5,180.00
Map 27, Lot 15	Sippican Lands Trust (Heirs of Pitcher)	56,901.930 sq. ft.*	1.00
Map 25 Lots 7 & 8	White Eagle Realty Trust (Heirs of Allen)	44,532.962 sq. ft.*	817.60
Map 25, Lot 11	Sippican Lands Trust (Heirs of Luce)	64,941.60 sq. ft.*	1.00

*All land taken is 66' in width and is the old railroad track and railroad bed, more particularly described on the "Right of Way and Track Map, Old Colony R.R. Co. operated by The New York, New Haven and Hartford R.R. Co., from Fairhaven to Tremont, Station 369 + 60 to station 422 + 40, Town of Marion, Town of Mattapoisett, State of Mass., Scale: 1" = 100 ft. dated 6/30/1915, and shown on the Plymouth County Railroad Plans, Volume 9, Pages 649 through 652 inclusive; and shown as Town of Marion Assessors Map 27, Lot 13; Map 25, Lot 32; Map 24, Lot 30.

Executed this 3rd day of February, 2004.

Town of Marion
Board of Selectmen

Chairman

Member

Member

18.38 Ac
600,632.8/ft

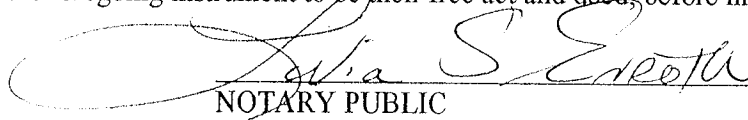
46.5%
8.546 Ac
372,271.303 #64785

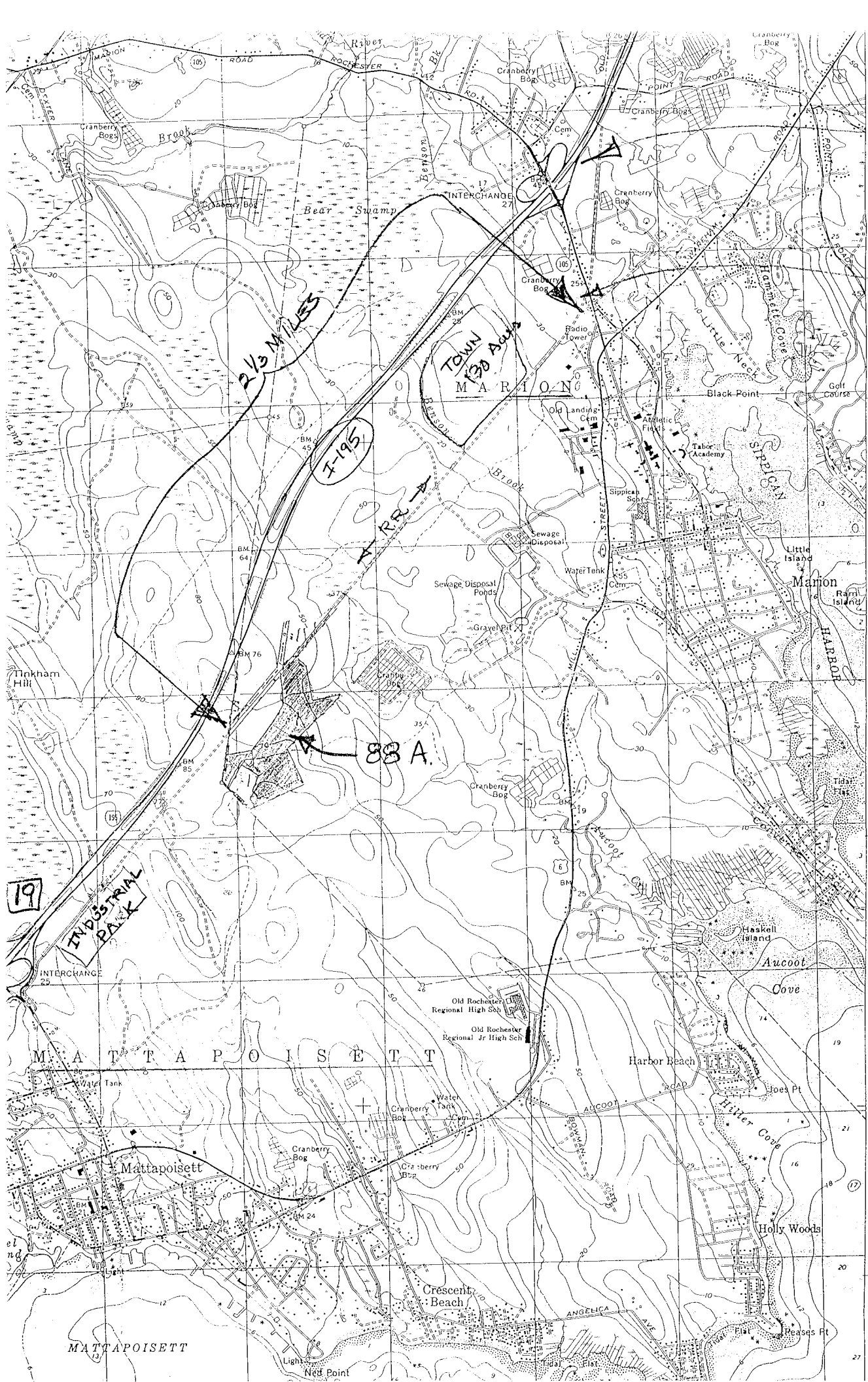
COMMONWEALTH OF MASSACHUSETTS

Plymouth, ss.

February 3, 2004

Then personally appeared the above-named Members of the Marion Board of Selectmen and acknowledged their execution of the foregoing instrument to be their free act and deed, before me.

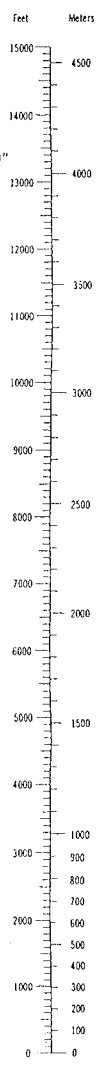

NOTARY PUBLICMy commission expires: December 9, 2005



EXIT 20

WAVE RECT.

CONVERSION
SCALES



Feet	Meters
1	3048
2	6096
3	9144
4	12192
5	15240
6	18288
7	21336
8	24384
9	27432
10	30480

To convert feet to meters
multiply by .3048
To convert meters to feet
multiply by 3.2808