

Middlesex South Registry of Deeds
Electronically Recorded Document

This is the first page of the document - Do not remove

Recording Information

Document Number	: 118994
Document Type	: TAKE
Recorded Date	: August 11, 2014
Recorded Time	: 03:23:45 PM
Recorded Book and Page	: 64061 / 365
Number of Pages(including cover sheet)	: 13
Receipt Number	: 1724038
Recording Fee	: \$75.00

Middlesex South Registry of Deeds
Maria C. Curtatone, Register
208 Cambridge Street
Cambridge, MA 02141
617-679-6300
www.cambridgedeeds.com

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:



Commonwealth of Massachusetts

Middlesex, SS.

Town of Concord
Date:

Order of Taking

Whereas, the duly appointed Commissioners of Public Works of the Town of Concord have determined that the public convenience, necessity and safety require that Finigan Way be laid out as a Town Way as hereinafter described; and

Whereas, said Commissioners have decreed their intention to so lay out said Way and have complied with the requirements of law relating to notice to all persons interested in the subject matter of so laying out said Way as a Town Way; and

Whereas, a public hearing in accordance with proper notice, was held at 141 Keyes Road, Concord, Massachusetts, at 7:20 o'clock PM on February 12, 2014 relating to the laying out of said Way and after said hearing, the Commissioners having previously viewed and examined the route of said Way; and

Whereas, the Commissioners on the 12th day of February, 2014 voted to and did lay out said Way as a Town Way according to the several boundaries and measurements thereof as hereinafter described; and

Whereas, the Commissioners did file their report of said proposed layout with the Town Clerk of Concord, Massachusetts on the 20th day of March, 2014; and

Whereas, the Annual Town Meeting of the Town of Concord duly called and held on May 4, 2014, upon proper motion and duly made and seconded, the following votes were unanimously adopted under the Article hereinafter set forth, an attested copy of which is attached as Exhibit A hereto.

ARTICLE 56 – Upon motion duly made and seconded, it was

VOTED: To: (a) accept as a Town way the laying out by the Commissioners of Public Works of a street located on the westerly side of Strawberry Hill Road approximately 850' feet north westerly from Barrett's Mill Road extending in a westerly direction approximately 1,277 feet and terminating in a cul-de-sac turnaround over land formerly owned by Bentley Building Corp., as shown on a plan filed with the Town Clerk and recorded at the Middlesex South District Registry of Deeds on March 26, 2008 as Plan No. 214 of 2008, entitled "Definitive Subdivision Plan, Finigan Way, A Planned Residential Development, Concord Massachusetts", dated June 26, 2007, revised March 7, 2008, prepared by Stamski

Property Address: Finigan Way, Concord, MA 01742

and McNary, Inc., containing three (3) sheets (hereinafter the "Subdivision Plan"); (b) name said street Finigan Way; (c) authorize the Commissioners to acquire on behalf of the Town, by purchase, eminent domain or otherwise, such interests in land as may be necessary and related thereto, including fee interest in Finigan Way, and utility and other easements, on such terms and conditions as the Commissioners may determine; and (d) raise and appropriate, transfer from available funds or accept a grant of a sum of money therefor; or take any other action relative thereto.

NOW THEREFORE, we, the undersigned Board of Selectmen of the Town of Concord, by virtue of the foregoing and of the provisions of Chapter 79 of the General Laws, as amended and of all other powers and enabling authority, adopt the following orders:

ORDERED: That there be and hereby are taken, and We, as Board or Selectmen, of the Town of Concord do hereby take for the purposes of constructing and maintaining a town way or road for public travel thereon, a fee in the following described properties of land, including all of the structures affixed thereto, trees, and shrubbery thereon, over which Finigan Way is laid out and located as follows:

- BEGINNING:** at the northeasterly corner of the premises on the westerly sideline of Strawberry Hill Road, a public way, at a drill hole in a stone wall;
- THENCE:** By a curved line to the left the radius of which is six hundred ninety and sixty-one hundredths (690.61) feet a length of one hundred seventeen and twelve hundredths (117.12) feet to a point;
- THENCE:** South $27^{\circ}33'00''$ east seventeen and thirty-two hundredths (17.32) feet to a drill hole in a stone wall, the last two courses be by the westerly sideline of said Strawberry Hill Road;
- THENCE:** By a curved line to the left the radius of which is thirty and no hundredths (30.00) feet a length of forty-one and ninety-six hundredths (41.96) feet to a drill hole in a stone bound;
- THENCE:** By a curved line to the right the radius of which is one hundred twenty and no hundredths (120.00) feet a length of one hundred fifty and eighty-two hundredths (150.82) feet to a drill hole in a stone bound;
- THENCE:** By a curved line to the left the radius of which is eighty and no hundredths (80.00) feet a length of one hundred eighteen and twenty hundredths (118.20) feet to a metal spike;
- THENCE:** South $59^{\circ}40'34''$ west one hundred sixty-six and twenty-three hundredths (166.23) feet to a drill hole in a stone bound;
- THENCE:** By a curved line to the right the radius of which is one hundred seventy and no hundredths (170.00) feet a length of one hundred ten and forty-six hundredths (110.46) feet to a drill hole in a stone bound;
- THENCE:** North $83^{\circ}05'38''$ west two hundred thirty-two and twenty-four hundredths (232.24) feet to a drill hole in a stone bound;
- THENCE:** By a curved line to the left the radius of which is one hundred thirty and no hundredths (130.00) feet a length of fifty-nine and forty-three hundredths (59.43) feet to a drill hole in a stone bound;

- THENCE: By a curved line to the left the radius of which is forty and no hundredths (40.00) feet a length of thirty-eight and four hundredths (38.04) feet to a drill hole in a stone bound;
- THENCE: South $16^{\circ}13'16''$ west sixty and eighteen hundredths (60.18) feet to a drill hole in a stone bound;
- THENCE: By a curved line to the right the radius of which is sixty-nine and no hundredths (69.00) feet a length of two hundred eighty-four and twenty-three hundredths (284.23) feet to a drill hole in a stone bound;
- THENCE: North $72^{\circ}14'06''$ east one hundred twenty-six and forty-one hundredths (126.41) feet to a drill hole in a stone bound;
- THENCE: By a curved line to the right the radius of which is one hundred seventy and no hundredths (170.00) feet a length of seventy-three and twenty hundredths (73.20) feet to a drill hole in a stone bound;
- THENCE: South $83^{\circ}05'38''$ east two hundred thirty-two and twenty-four hundredths (232.24) feet to a drill hole in a stone bound;
- THENCE: By a curved line to the left the radius of which is one hundred thirty and no hundredths (130.00) feet a length of eighty-four and forty-seven hundredths (84.47) feet to a drill hole in a stone bound;
- THENCE: North $59^{\circ}40'34''$ east one hundred sixty-six and twenty-three hundredths (166.23) feet to a drill hole in a stone bound;
- THENCE: By a curved line to the right the radius of which is one hundred twenty and no hundredths (120.00) feet a length of one hundred seventy-seven and thirty hundredths (177.30) feet to a drill hole in a stone bound;
- THENCE: By a curved line to the left the radius of which is eighty no hundredths (80.00) feet a length of eighty and twenty hundredths (80.20) feet to a drill hole in a stone bound;
- THENCE: By a curved line to the left the radius of which is thirty and no hundredths (30.00) feet a length of fifty-six and thirty-eight hundredths (56.38) feet to the point of beginning.

Be all of said measurements more or less or however otherwise bounded, measured or described and being the premises shown on the plan entitled "Street Acceptance Plan, Finigan Way, A Planned Residential Development in Concord, Massachusetts" dated October 10, 2012, revised October 26, 2012, prepared by Stanski & McNary, Inc., attached hereto as Exhibit B.

ORDERED: That there be and hereby are taken, and We, as Board or Selectmen, of the Town of Concord do hereby take for, the purposes of installing, constructing and maintaining utilities of all types and kinds, including the right within the easement area to perform grading and to deposit fill and other material necessary for the construction, drainage, support, and maintenance of said Finigan Way, a non-exclusive right and easement in the Proposed 5' Utility & Grading Easement and 10' Wide Utility & Grading Easement, laid out and located as follows:

BEGINNING: at the southeasterly corner of the premises on the westerly sideline of Strawberry Hill Road, a public way, and on the southerly sideline of Finigan Way, at a drill hole in a

stone wall;

- THENCE: South 27°33'00" east ten and fourteen hundredths (10.14) feet to point, by the westerly sideline of said Strawberry Hill Road;
- THENCE: South 62°27'00" west ten and no hundredths (10.00) feet to a point;
- THENCE: North 27°33'00" west ten and fourteen hundredths (10.14) feet to a point;
- THENCE: By a curved line to the left the radius of which is twenty and no hundredths (20.00) feet a length of twenty-seven and ninety-seven hundredths (27.97) feet to a point;
- THENCE: By a curved line to the right the radius of which is one hundred thirty and no hundredths (130.00) feet a length of one hundred sixty-three and thirty-nine hundredths (163.39) feet to a point;
- THENCE: By a curved line to the left the radius of which is seventy and no hundredths (70.00) feet a length of one hundred three and forty-three hundredths (103.43) feet to a point;
- THENCE: South 59°40'34" west one hundred sixty-six and twenty-three hundredths (166.23) feet to a point;
- THENCE: By a curved line to the right the radius of which is one hundred eighty and no hundredths (180.00) feet a length of twenty-six and three hundredths (26.03) feet to a point;
- THENCE: North 22°02'16" west five and no hundredths (5.00) feet to a point;
- THENCE: By a curved line to the right the radius of which is one hundred seventy-five and no hundredths (175.00) feet a length of eighty-eight and forty hundredths (88.40) feet to a point;
- THENCE: North 83°05'38" west two hundred thirty-two and twenty-four hundredths (232.24) feet to a point;
- THENCE: By a curved line to the left the radius of which is one hundred twenty-five and no hundredths (125.00) feet a length of fifty-seven and fourteen hundredths (57.14) feet to a point;
- THENCE: By a curved line to the left the radius of which is thirty-five and no hundredths (35.00) feet a length of thirty-three and twenty-nine hundredths (33.29) feet to a point;
- THENCE: South 16°13'16" west sixty and eighteen hundredths (60.18) feet to a point;
- THENCE: By a curved line to the right the radius of which is seventy-four no hundredths (74.00) feet a length of three hundred four and eighty-two hundredths (304.82) feet to a point;
- THENCE: North 72°14'06" east one hundred twenty-six and forty-one hundredths (126.41) feet to a point;

- THENCE: By a curved line to the right the radius of which is one hundred seventy-five and no hundredths (175.00) feet a length of seventy-five and thirty-five hundredths (75.35) feet to a point;
- THENCE: South $83^{\circ}05'38''$ east two hundred thirty-two and twenty-four hundredths (232.24) feet to a point;
- THENCE: By a curved line to the left the radius of which is one hundred twenty-five and no hundredths (125.00) feet a length of eighty and sixteen hundredths (80.16) feet to a point;
- THENCE: South $42^{\circ}18'40''$ east five and twelve hundredths (5.12) feet to a drill hole in a stone bound;
- THENCE: By a curved line to the right the radius of which is one hundred thirty and no hundredths (130.00) feet a length of eighty-four and forty-seven hundredths (84.47) feet to a drill hole in a stone bound;
- THENCE: North $83^{\circ}05'38''$ west two hundred thirty-two and twenty-four hundredths (232.24) feet to a drill hole in a stone bound;
- THENCE: By a curved line to the left the radius of which is one hundred seventy and no hundredths (170.00) feet a length of seventy-three and twenty hundredths (73.20) feet to a drill hole in a stone bound;
- THENCE: South $72^{\circ}14'06''$ west one hundred twenty-six and forty-one hundredths (126.41) feet to a drill hole in a stone bound;
- THENCE: By a curved line to the left the radius of which is sixty-nine and no hundredths (69.00) feet a length of two hundred eighty-four and twenty-three hundredths (284.23) feet to a drill hole in a stone bound;
- THENCE: North $16^{\circ}13'16''$ east sixty and eighteen hundredths (60.18) feet to a drill hole in a stone bound;
- THENCE: By a curved line to the right the radius of which is forty and no hundredths (40.00) feet a length of thirty-eight and four hundredths (38.04) feet to a drill hole in a stone bound;
- THENCE: By a curved line to the right the radius of which is one hundred thirty and no hundredths (130.00) feet a length of fifty-nine and forty-three hundredths (59.43) feet to a drill hole in a stone bound;
- THENCE: South $83^{\circ}05'38''$ east two hundred thirty-two and twenty-four hundredths (232.24) feet to a drill hole in a stone bound;
- THENCE: By a curved line to the left the radius of which is one hundred seventy and no hundredths (170.00) feet a length of one hundred ten and forty-six hundredths (110.46) feet to a drill hole in a stone bound.
- THENCE: North $59^{\circ}40'34''$ east one hundred sixty-six and twenty-three hundredths (166.23) feet to a metal spike;

THENCE: By a curved line to the right the radius of which is eighty no hundredths (80.00) feet a length of one hundred eighteen and twenty hundredths (118.20) feet to a drill hole in a stone bound;

THENCE: By a curved line to the left the radius of which is one hundred twenty and no hundredths (120.00) feet a length of one hundred fifty and eighty-two hundredths (150.82) feet to a drill hole in a stone bound;

THENCE: By a curved line to the right the radius of which is thirty and no hundredths (30.00) feet a length of forty-one and ninety-six hundredths (41.96) feet to the point of beginning.

Be all of said measurements more or less or however otherwise bounded, measured or described and being the premises shown on the plan entitled "Street Acceptance Plan, Finigan Way, A Planned Residential Development in Concord, Massachusetts" dated October 10, 2012, revised October 26, 2012, prepared by Stamski & McNary, Inc., attached hereto as Exhibit B.

ORDERED: That there be and hereby are taken, and We, as Board of Selectmen, of the Town of Concord do hereby take an easement in the Proposed Drainage Easement A, for the installation, construction, operation, maintenance, inspection, repair and replacement of drainage conveyances, laid out and located as follows:

BEGINNING: at the northeasterly corner of the premises on the southerly sideline of Finigan Way and the westerly sideline of Strawberry Hill Road, a public way, at a drill hole in a stone wall;

THENCE: South 27°33'00" east thirty-nine and forty-four hundredths (39.44) feet to a point;

THENCE: By a curved line to the right the radius of which is nine hundred seventy-two and fifty hundredths (972.50) feet a length of thirty-one and eighty-two hundredths (31.82) feet to a point, the last two courses being by the westerly sideline of said Strawberry Hill Road;

THENCE: South 64°52'34" west one hundred and no hundredths (100.00) feet to a drill hole in a stone bound;

THENCE: North 25°07'26" west one hundred thirty-five and ninety-nine hundredths (135.99) feet to a drill hole in a stone bound;

THENCE: By a curved line to the left the radius of which is one hundred twenty and no hundredths (120.00) feet a length of eighty-one and sixty-nine hundredths (81.69) feet to a drill hole in a stone bound;

THENCE: By a curved line to the right the radius of which is thirty and no hundredths (30.00) feet a length of forty-one and ninety-six hundredths (41.96) feet to the point of beginning.

Be all of said measurements more or less or however otherwise bounded, measured or described and being the premises shown on the Subdivision Plan.

ORDERED: That there be and hereby are taken, and We, as Board of Selectmen, of the Town of Concord do hereby take an easement in the Proposed Drainage Easement B, for the installation, construction, operation, maintenance, inspection, repair and replacement of drainage conveyances, laid out and located as follows:

- BEGINNING: at the northwesterly corner of the premises on the northerly sideline of Finigan Way, at a drill hole in a stone bound;
- THENCE: North 59°40'34" east, by land now or formerly of the Concord Housing Authority, one hundred fifty-four and twenty-three hundredths (154.23) feet to a drill hole in a stone bound;
- THENCE: South 33°05'06" east one hundred seventy-two and seventy-one hundredths (172.71) feet to a drill hole in a stone bound;
- THENCE: By a curved line to the right the radius of which is eighty and no hundredths (80.00) feet a length of eighty and twenty hundredths (80.20) feet to a drill hole in a stone bound;
- THENCE: By a curved line to the left the radius of which is one hundred twenty and no hundredths (120.00) feet a length of one hundred seventy-seven and thirty hundredths (177.30) feet to the point of beginning.

Be all of said measurements more or less or however otherwise bounded, measured or described and being the premises shown on the plan entitled "Street Acceptance Plan, Finigan Way, A Planned Residential Development in Concord, Massachusetts" dated October 10, 2012, revised October 26, 2012, prepared by Stanski & McNary, Inc., attached hereto as Exhibit B.

ORDERED: That there be and hereby are taken, and We, as Board of Selectmen, of the Town of Concord do hereby take an easement in the Proposed Drainage Easement C including, for the installation, construction, operation, maintenance, inspection, repair and replacement of drainage conveyances, laid out and located as follows:

- BEGINNING: at the southwesterly corner of the premises on the northerly sideline of Finigan Way;
- THENCE: North 32°10'50" west seventy-five and twenty-nine hundredths (75.29) feet to a point;
- THENCE: North 04°03'48" west sixty-two and thirty-six hundredths (62.36) feet to a point;
- THENCE: North 55°03'36" west eighty-four and sixty-six hundredths (84.66) feet to a point;
- THENCE: North 07°12'21" east fifty and eighty-three hundredths (50.83) feet to a drill hole in a stone bound;
- THENCE: North 86°04'21" east sixty-two and thirty-nine hundredths (62.39) feet to a drill hole in a stone bound;
- THENCE: South 41°04'09" east thirty-two and eight hundredths (32.08) feet to an iron pin;
- THENCE: North 80°43'22" east thirty and no hundredths (30.00) feet to a point;
- THENCE: South 09°16'38" east thirty and sixty-two hundredths (30.62) feet to a point;
- THENCE: South 31°30'24" west sixty-six and eighteen hundredths (66.18) feet to a point;
- THENCE: South 04°03'48" east fifty-three and thirteen hundredths (53.13) feet to a point;

THENCE: South $32^{\circ}10'50''$ east seventy and seventy-five hundredths (70.75) feet to a point on the northerly sideline of said Finigan Way;

THENCE: By a curved line to the left, along the northerly sideline of said Finigan Way, the radius of which is sixty-nine and no hundredths (69.00) feet a length of twenty and seven hundredths (20.07) feet to the point of beginning.

Be all of said measurements more or less or however otherwise bounded, measured or described and being the premises shown on the Subdivision Plan.

The land herein described is supposed to belong to the following named persons/entities as follows:

Bentley Building Corp.	Eric Richard Evgenia Kholoptseva
Rhonda Penaud	Philip Martin Sailer Wen Liu Sailer
Yanhe Fan Yi Zheng	Patrick B. Daley Leonor M. Daley
Ross D. Zafonte Cheryl A. Zafonte	Susan M. Palazzi
Alan L. Harrington Merewyn L. Harrington	Stephen Reiling Christine Reiling
Jonathan Taunton-Rigby Katherine Taunton-Rigby	Matthew A. Cook Cory M. Cook
Jeffrey L. Furman Kirsten E. Furman	Silvia Santos
Ralph E. Droms and Janet B. Droms, Trustees Janet B. Droms Revocable Trust	Andrew S. Leber Lindsey R. Leber
Sam J. Parker Catherine S. Parker	Haryunisa Z. Sahin
Jason B. Spanier Robyn S. Spanier	James E. Pioli Cynthia L. Pioli

The names of owners herein given are correct, so far as may be determined by search of public records and although supposed to be correct, are matters of opinion and belief. If it happens that other parties than the above own or have any interest in the above premises, any damages awarded shall be paid to their respective interests therein.

The land hereinbefore described is taken whether or not the owners of said land are as herein stated.

No damages are awarded.

No betterments are to be assessed for the improvements for which this Taking is made.

We direct this taking be recorded at the Middlesex South District Registry of Deeds.

Executed in duplicate as a sealed instrument at Concord, Massachusetts, this 9 day of August, 2014.

Board or Selectmen
Town of Concord, Massachusetts

Steven Ng

Alice Kaufman

Carmin Reiss

Elise Woodward

Ruth C. Lauer

Commonwealth of Massachusetts

Middlesex, ss.

On this 9 day of August, 2014, before me, the undersigned notary public, personally appeared Steven Ng, Alice Kaufman, Carmin Reiss, Michael Lawson and Elise Woodward, proved to me through satisfactory evidence of identification, which were personal knowledge, to be the persons whose names are signed on the proceeding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose and as their free act and deed.

Ruth C. Lauer
Notary Public

My Commission Expires: 12/8/17



RUTH C. LAUER
Notary Public
Commonwealth of Massachusetts
My Commission Expires
December 8, 2017

Exhibit A – Certified Clerk's Certificate

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Court at the City of New York, this _____ day of _____, 20__.

Clerk of the Court

Clerk of the Court

Clerk of the Court

Clerk of the Court



Town of Concord

Office of the Town Clerk
22 Monument Square
P.O. Box 535
Concord, Massachusetts 01742-0535

ANNUAL TOWN MEETING MAY 4, 5 and 6, 2014

STREET ACCEPTANCE – FINIGAN WAY

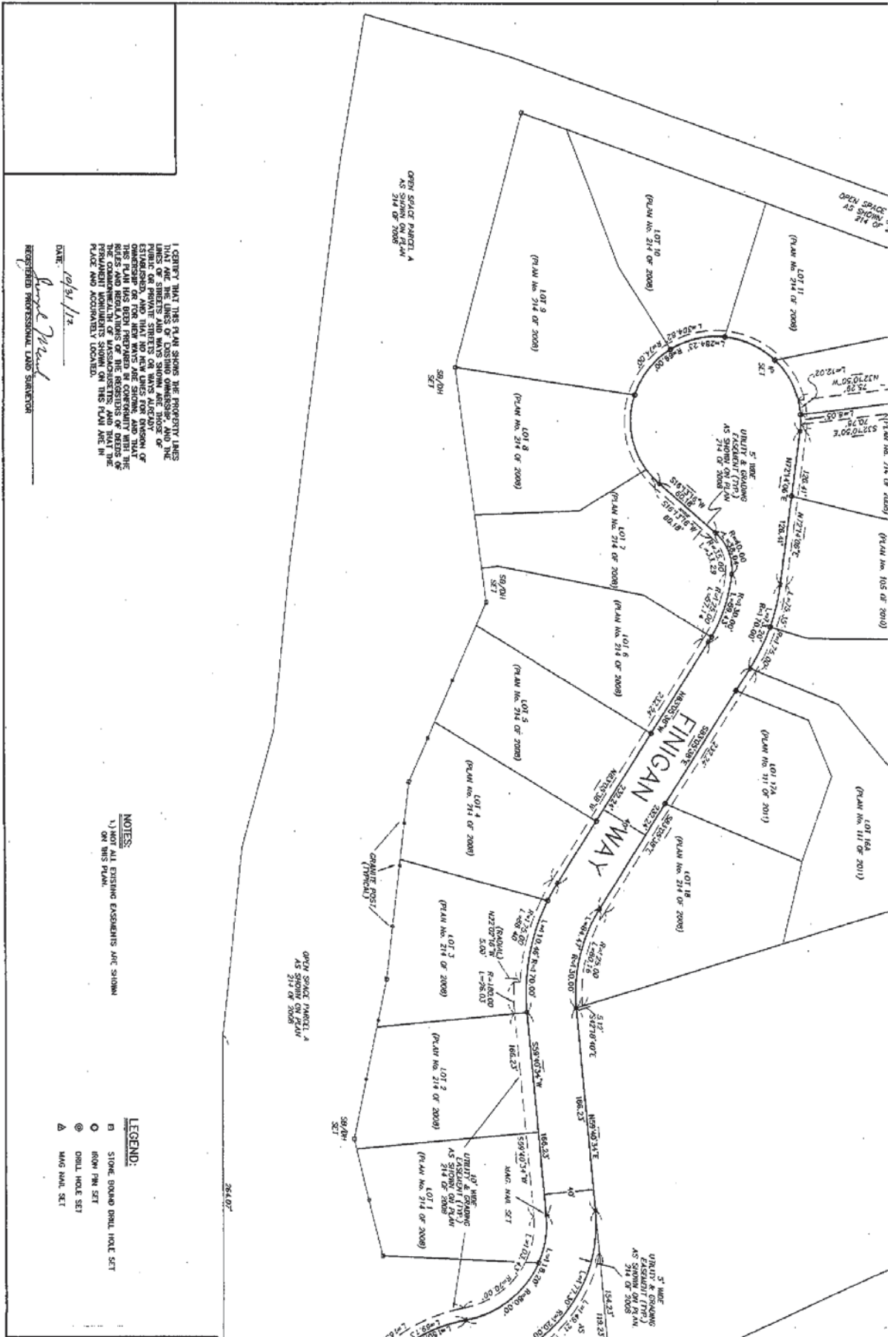
ARTICLE 56. Upon a **MOTION** duly made and seconded, the following was **VOTED BY UNANIMOUS VOTE**, and so declared by the Moderator:

To (a) accept as a Town way the laying out by the Commissioners of Public Works of a street located on the westerly side of Strawberry Hill Road approximately 850' feet north westerly from Barrett's Mill Road extending in a westerly direction approximately 1,277 feet and terminating in a cul-de-sac turnaround over land formerly owned by Bentley Building Corp., as shown on a plan filed with the Town Clerk and recorded at the Middlesex South District Registry of Deeds on March 26, 2008 as Plan No. 214 of 2008, entitled "Definitive Subdivision Plan, Finigan Way, A Planned Residential Development, Concord, Massachusetts", dated June 26, 2007, revised March 7, 2008, prepared by Stamski and McNary, Inc., containing three (3) sheets; (b) name said street Finigan Way; (c) authorize the Commissioners to acquire on behalf of the Town, by purchase, eminent domain or otherwise, such interests in land as may be necessary and related thereto, including the fee interest in Finigan Way, and utility, drainage and other easements, on such terms and conditions as the Commissioners may determine; and (d) raise and appropriate, transfer from available funds or accept a grant of a sum of money therefor.

Passed by a Declared Unanimous Vote
Under Article 2 Consent Calendar
May 4, 2014

A True Copy Attest:

Anita S. Tekle
Town Clerk



I CERTIFY THAT THIS PLAN SHOWS THE PROPERTY LINES THAT ARE THE LINES OF LOTS, BLOCKS, AND THE LINES OF STREETS AND WAYS SHOWN ARE THOSE OF THE ORIGINAL SURVEY AND THAT THE LINES OF THE ESTABLISHED, AND THAT NO NEW LINES FOR DIVISION OR OWNERSHIP OR FOR NEW WAYS ARE SHOWN, AND THAT THIS PLAN HAS BEEN MADE BY THE SURVEYOR OF THE PROPERTY AND THE COMMUNITY OF MASSACHUSETTS, AND THAT THE PROPERTY MONUMENTS SHOWN ON THIS PLAN ARE IN PLACE AND ACCORDINGLY CORRECT.

DATE: 10/31/12
 REGISTERED PROFESSIONAL LAND SURVEYOR
 [Signature]

NOTES:
 1) NOT ALL EXISTING EASEMENTS ARE SHOWN ON THIS PLAN.

LEGEND:
 B STONE BOUND DRILL HOLE SET
 O IRON PIN SET
 ⊙ DRILL HOLE SET
 ▲ MAG NAIL SET

FINIGAL STREET ACCESS FOR BENTLEY
 SCALE: 1"=40' 0"
 REVISION: OCT/2012
 STAMSKI AND
 1000 MAIN STREET, 4TH FLOOR
 ENGLEWOOD, CO - 80110
 SM-3977A (3977A.5)