

CITY OF NEWTON

IN CITY COUNCIL

July 10, 2023

ORDER OF TAKING

**TEMPORARY EASEMENTS FOR CONSTRUCTION PURPOSES**

WHEREAS, in the opinion of the City Council of the City of Newton, the public necessity and convenience require that the City of Newton acquire temporary easements forthwith for the purposes of performing the work necessary to rehabilitate and reconstruct Commonwealth Avenue and the Carriage Way, it is therefore,

ORDERED: that Temporary Easements be and are hereby taken over through and under, including the rights of ingress and egress, the areas shown as Parcels TE-1, TE-2, TE-3, TE-4, TE-25, TE-6, TE-24, TE-23, TE-8, TE-9, TE-11, TE-12, TE-13, TE-16, TE-17, TE-19, TE-22 (collectively the "Temporary Easement Area"), on a plan of land titled "Easement Plan, Commonwealth Avenue, Newton, Mass, Middlesex County (Middlesex County Registry), Showing Location of Temporary Easements" dated April 7, 2023 and recorded with the Middlesex South Registry of Deeds herewith.

The above described Temporary Easements are taken and to be used for the purpose of allowing the City and its authorized agents, servants, employees and contractors to enter upon the Temporary Easement Area in connection with the reconstruction and rehabilitation of Commonwealth Avenue and the Carriage Way for the purpose of locating, constructing, installing, placing and inspecting improvements thereof, including but not limited to the operation and storage of equipment, and otherwise performing construction work related to the reconstruction and rehabilitation of Commonwealth Avenue and the Carriage Way.

The term of the Temporary Easements shall commence upon the date this Order is recorded with the Middlesex South Registry of Deeds and shall expire upon the earlier of the completion of the City of Newton's reconstruction and rehabilitation project for Commonwealth Avenue and the Carriage Way or three years from the date of recording of this Order. Upon the expiration of these Temporary Easements, all rights of the City under this Temporary Easement shall terminate. The City shall leave the Temporary Easement Area in substantially the same condition that it was at the commencement of these Temporary Easements.

The following are the names of the owners and mortgagees of parcels over which an easement is taken for the purposes described hereinabove so far as known to the Council.

The references to the parcels are as they appear in the records of the Middlesex South District Registry of Deeds.

<u>OWNER/PROPERTY ADDRESS</u>	<u>TITLE REFERENCE</u>	<u>APPROXIMATE EASEMENT AREA</u>	<u>AWARD</u>
CHSP NEWTON LLC 2345 Commonwealth Avenue	Book 55107, Page 408	Parcel TE-1 1,225 sq/ft	\$8,700
The Twenty-Three Hundred Trust 2340-2366 Commonwealth Avenue	Book 12908, Page 562	Parcel TE-2 1,129 sq/ft	\$8,300
Chatham Properties, LLC 2300-2320 Commonwealth Avenue	Book 30060, Page 5	Parcel TE-3 1,156 sq/ft	\$11,000
Maureen A. Codyer and Paul M. Codyer 16 Phillips Street	Book 54641, Page 429	Parcel TE-4 1,024 sq/ft	\$37,300
Douglas Harrison and Allison Page 78 Woodbine Street	Book 77379, Page 166	Parcel TE-25 197 sq/ft	\$ 5,400
Mortgagee: Mortgage Electronic Registration Systems, Inc., nominee of Quicken Loans, LLC	Book 77379, Page 172		

Chatham Village Condominium 2235 Commonwealth Avenue	Book 13819, Page 49	Parcel TE-6 563 sq/ft Parcel TE-24 294 sq/ft	\$3,600
Whynots Properties Trust 2238 Commonwealth Avenue	Book 12982, Page 158	Parcel TE-23 342 sq/ft	\$14,100
Mortgagees: The Federal Savings Bank	Book 27449, Page 463 Book 33718, Page 228 Book 34533, Page 514		
Newton South Co- operative Bank	Book 51970, Page 487		
Wellesley Bank			
Peter H. Goddard and Natasha Padilla-Goddard 6 Islington Road	Book 47745, Page 71	Parcel TE-8 1,018 sq/ft	\$30,100
Mortgagees: Newrez LLC d/b/a Shellpoint Mortgage Servicing	Book 79359, Page 545		

USAlliance Federal Credit  
Union

Book 62082, Page 119

RBS Citizens, N.A.

Book 64273, Page 183

Book 68247, Page 297

2234-2236

Commonwealth Avenue  
Condominium

Book 50177, Page 131

Parcel TE-9

\$25,300

484 sq/ft

2234-2236

Commonwealth Avenue

Lyons Park Condominium

2220 Commonwealth  
Avenue

Book 16787, Page 282

Parcel TE-11

\$13,900

509 sq/ft

Kruszewski Realty Trust

2212 Commonwealth  
Avenue

Book 76525, Page 338

Parcel TE-12

\$8,400

477 sq/ft

Book 75652, Page 412

Mortgagees:

Mortgage Electronic  
Registration Systems, Inc.,  
nominee of Finance of  
America Reverse LLC

Book 75652, Page 430

USA Housing and Urban  
Development

2202 Commonwealth Avenue LLC	Book 80918, Page 376	Parcel TE-13	\$11,000
		718 sq/ft	
2202 Commonwealth Avenue			
Mortgagee:	Book 80918, Page 381		
Bluestone Bank			
Roman Catholic Archbishop of Boston	Book 4512, Page 561	Parcel TE-16	\$14,000
	Book 5751, Page 449	823 sq/ft	
45 Ash Street	Book 6498, Page 205		
2158-2160 Commonwealth Avenue Condominium	Book 66978, Page 416	Parcel TE-17	\$23,200
	Book 67076, Page 352	670 sq/ft	
2158-2160 Commonwealth Avenue			
Nicholas Ventouris and Angelina Ventouris	Book 66628, Page 562	Parcel TE-19	\$1,400
		142 sq/ft	
2171 Commonwealth Avenue			
Mortgagees:	Book 73412, Page 122		
Brookline Bank			
	Book 77358, Page 131		
Mortgage Electronic Registration Systems, Inc.,			

nominee of Bluestone  
Bank

Bruce Kwong and Helen Chan Kwong  
2149 Commonwealth Avenue  
Book 35319, Page 363 Parcel TE-22 \$13,900  
649 sq/ft

Mortgagees: Book 61699, Page 140

First Federal Bank  
Book 63763, Page 165


Direct Federal Credit Union


The monetary damages which are awarded to the respective owners of the parcels on which the Temporary Easements have been taken for the purposes described herein are set forth above.

There shall be no betterment assessments to the abutters.

The trees upon and the structures affixed to said parcels are not taken.

Under Suspension of Rules  
Readings Waived and Approved  
20 yeas 0 nays 4 absent (Councilors Danberg, Gentile, Kalis, and Norton)

  
(SGD) CARL MOORE  
City Clerk

  
(SGD) RUTHANNE FULLER  
Mayor  
7/25/2023