

PARCEL	OWNER	AREA(Sq. Ft.)
21	PERMANENT SURFACE EASEMENT Unknown (Commercial Ave.)	3328

Note:
M.G.S. System Rectangular Coordinates.

COMMONWEALTH OF MASSACHUSETTS
METR. DISTR. COMMISSION — ENGINEERING DIVISION
**CHARLES RIVER MARGINAL
CONTROL FACILITIES**
LAND TAKING PLAN NO. C.R.E. - 7



MARCH 7, 1975

DRAWN B.F.L.
TRACED B.F.L.
CHECKED B.F.L.



Burrill F. Lighton



Francis J. Berquin
Chief Construction Engineer

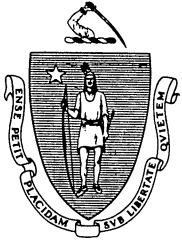
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ACC. 62644

RECEIVED BY
OFFICE OF CITY CLERK

APR 17 11 01 AM '75

CAMBRIDGE, MASS.



The Commonwealth of Massachusetts

RECEIVED BY
OFFICE OF CITY CLERK
Metropolitan District Commission

APR 17 11 01 AM '75
20 Somerset Street, Boston 02108
CAMBRIDGE, MASS.

April 10, 1975

City Clerk
Cambridge City Hall
795 Massachusetts Avenue
Cambridge, Massachusetts 02139

OWNERS UNKNOWN

Dear Sir:

Notice is hereby given that by an Order of Taking dated April 2, 1975 and recorded with Middlesex South District Registry of Deeds on April 10, 1975, the Commonwealth of Massachusetts, acting through its Metropolitan District Commission, under the authority conferred upon it by Chapter 881 of the Acts of 1971 and acts in amendment thereof or in addition thereto, and every other power and authority thereto enabling, for the purposes of said Act and Chapter 92 of the General Laws, has taken under the provision of Chapter 79 of the General Laws, in the name and for the benefit of the Commonwealth of Massachusetts, the perpetual right and easement to construct, inspect, repair, renew, replace, operate and maintain a covered conduit or drain for surface water drainage and sewerage overflow, with its proper manholes, walls, culverts, weirs, tidegates, dams and other appurtenances in, through and under the following described parcel of land within the limits of Commercial Avenue, owners unknown, situated in Cambridge in the County of Middlesex and Commonwealth of Massachusetts, supposed to be owned by you and described as follows:

<u>PARCEL NO.</u>	<u>AREA TAKEN IN SQ. FT.</u>	<u>TYPE OF TAKING</u>
21	3,328	Perp. Easement

as shown on plan entitled "Commonwealth of Massachusetts, Metr. Distr. Commission - Engineering Division, Charles River Marginal Control Facilities, Land Taking Plan No. C.R.E.-7, * * * March 7, 1975, Francis T. Bergin, Chief Construction Engineer," a copy of which is enclosed herewith.

Said rights and easements in so much of the above described parcel comprising Commercial Avenue are taken without interference with or prejudice to the rights of the City of Cambridge and the public to maintain and use said street as a public way, except so far as the same may be inconsistent with the exercise of the rights and easements hereby taken, and there are reserved to the said city and the public all their respective rights in and to the use of said street for all lawful purposes not

April 10, 1975

inconsistent with the use thereof as a sewer location or with the construction, inspection, repair, renewal, replacement, operation and maintenance of the aforesaid conduit and sewer and its appurtenances, provided, however, that unless the written consent of said Metropolitan District Commission, or such other authority as shall for the time being have the control of said sewer and appurtenances on behalf of the said Commonwealth shall have been obtained in writing no buildings or structures or foundations of buildings or structures or parts thereof shall hereafter be erected or maintained in or upon any part of said parcel, and the manholes or other structures lawfully constructed or maintained as appurtenant to said sewer shall not be interfered with.

Trees and structures are not included in this taking.

There are excepted from this taking the wires, pipes, conduits, poles and their appurtenances for the conveyance of water, sewage, steam, gas and electricity and for telephone and telegraph communications now lawfully in or upon said land.

There are excepted and excluded from this taking easements of records insofar as they are in force and applicable.

The right to damages vested on April 10, 1975, the date said order was recorded.

Section 8A of Chapter 79 provides that the Board of Officers making the taking shall, prior to the expiration of sixty (60) days subsequent to the recording of the Order of Taking, offer in writing to every person entitled to damages a reasonable amount which such board is willing to pay either in full settlement or as a payment pro tanto. Such payment may be accepted and collected forthwith without prejudice to or waiver or surrender of any right to claim a larger sum by proceeding before an appropriate tribunal, but, if such pro tanto payment proves to be in excess of the damages subsequently assessed by such tribunal, you will be subject to the obligation to refund an amount equal to the difference between such pro tanto payment and the amount of damages so found by such tribunal, PLUS costs and interest at the rate of six per cent (6%) per annum from the date when such damages were assessed.

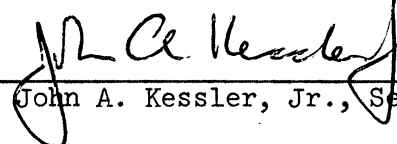
The Metropolitan District Commission has awarded NO DAMAGES by reason of the taking. The Commission reserves the right to amend the award at any time prior to the payment thereof for good cause shown.

Section 14 and Section 16 of said Chapter 79 provide that a person whose property has been taken may petition for the assessment of damages to the Superior Court for the County in which the property is situated within two (2) years after the right to damages has vested.

Inquiries and communications regarding said land taking should be addressed to John J. Grigalus, Director, Right of Way Section, 20 Somerset Street, Boston 02108, (Tel. No. 727-5294).

METROPOLITAN DISTRICT COMMISSION

By:



John A. Kessler, Jr., Secretary

IGT/AM
Enc.

3 / 54

Order of taking on the Commercial Ave.
area.

In City Council,
April 28, 1975

4/28/75
Placed on File
Copy to the
City

Engineer -
Copy sent to City
Engineer 4/30/75 dl