

COMMONWEALTH OF MASSACHUSETTS
ORDER OF TAKING

April 9, 1992

I, Kevin M. Smith, commissioner of the Division of Capital Planning and Operations for the Commonwealth of Massachusetts, under the authority of Section 42 of Chapter 208 of the Acts of 1988, having obtained the approval of the Higher Education Coordinating Council, the successor agency to the Board of Regents of Higher Education, as required by said Chapter 208, hereby take, by power of eminent domain in accordance with Massachusetts General Laws Chapter 79, in fee simple, the following described parcels of land:

Parcel A and Parcel B

Two parcels of land in Lowell, Middlesex County, Massachusetts, one lying southerly of and the other underneath Middle Street, a public way in the City of Lowell, and more particularly bounded and described as follows:

Parcel A: Beginning at a point in the southerly line of Middle Street, said point marking the northwesterly corner of the parcel described herein, the northeasterly corner of land conveyed to the City of Lowell by deed recorded in Book 1859 at page 392, said point of beginning further having approximate coordinates of N=599462.04 and E=651064.39 in the Massachusetts Coordinate System;
thence along the southerly line of Middle Street, S 83 degrees 58' 42" E, a distance of 141.62 feet to a point;

thence the following five courses along land conveyed to New Lowell Associates Limited Partnership by deed recorded in Book 2876 at Page 9;

S 05 degrees 53' 18" W, through the center of a wall a distance of 51.52 feet to a point;

S 84 degrees 06' 42" E, a distance of 0.87 feet to a point;

S 05 degrees 53' 18" W, along the face of a wall above a distance of 16.15 feet to a point;

N 83 degrees 58' 42" W, along the face of a support pillar a distance of 1.43 feet to the corner of the building above;

S 06 degrees 01' 18" W, a distance of 2.08 feet to the northeast corner of the Boston and Maine location as shown on a plan recorded in Plan Book 70 at Page 22;

thence partly along land conveyed to Paul J. Carey by deed recorded in Book 2903 at Page 87 and partly along land of owners unknown, N 83 degrees 58' 47" W, a distance of 100.00 feet to a point;

thence along land of owners unknown, S 05 degrees 57' 58" W, a distance of 2.50 feet to a point;

thence along the northerly line of the actual Boston and Maine location as described in the County Commissioner's description of Railroad Locations Pages 95 to 97, N 83 degrees 58' 42" W, a distance of 41.15 feet to a point;

thence along said land of City of Lowell and partly within a wall, N 05 degrees 57' 58" E, a distance of 72.25 feet to the point of beginning and containing 9,997 square feet.

Parcel B: Beginning at a point in the southerly line of Middle Street, said point being S 83 degrees 58' 42" E, a distance of 41.75 feet from the point of beginning of Parcel A described above;

thence along the southerly line of Middle Street, S 83 degrees 58' 42" E, a distance of 87.54 feet to a point;

thence the following three courses within Middle Street:

N 05 degrees 46' 57" E, a distance of 4.57 feet to a point;

N 83 degrees 52' 13" W, a distance of 87.54 feet to a point;

S 05 degrees 46' 57" W, a distance of 4.74 feet to the point of beginning and containing 407 square feet.

The Parcels described above are more completely shown as "A" and "B" on a plan entitled "Land in LOWELL (Middlesex Co.) MA Surveyed for COMMONWEALTH OF MASSACHUSETTS DIVISION OF CAPITAL PLANNING & OPERATIONS FOR EMINENT DOMAIN TAKING PURPOSES," dated March 6, 1992, from the office of C.T. Male Associates, P.C. (hereinafter the "Plan"), to be recorded herewith and considered a part of this instrument.

The above-described parcels of land (labeled "A" and "B" on the Plan recorded herewith in Plan Book _____, as Plan _____, and hereinafter referred to as "Parcel A"), including all buildings and structures standing or affixed thereon, and including the fee to the center line of Middle Street, and in any other public streets, highways and public ways in Parcel A or contiguous and adjacent to Parcel A, provided such fee is a part of Parcel A, is taken together with any and all easements

and rights appurtenant thereto, including, without limitation, all appurtenant rights and easements in passageways adjacent to Parcel A and otherwise as shown on the Plan. Parcel A is taken together with the permanent right and easement to keep and maintain a certain post or pillar made of bricks which forms the support of the southeasterly corner of the building situated on said Parcel A, as the land said pillar rests upon is more particularly described in the Plan as "C," and as said rights are further described in an instrument dated January 16, 1946, recorded at the Middlesex County, Northern District, Registry of Deeds at Book 1037, Page 241. Except as specifically set forth herein, this taking of Parcel A extinguishes all rights of any persons, corporations or other entities, public or private, their successors and assigns, in and to Parcel A, including, without limitation, rights regarding the use of a passageway ten feet in width under and running north to south through the easterly portion of Parcel A and regarding the use of a tunnel at the southeasterly corner of Parcel A as shown on the Plan.

Specifically excepted from the property and rights herein taken are rights of the City of Lowell for the maintenance and use of Middle Street as a public way, rights of the Boston and Lowell Railroad, the Boston and Maine Railroad, their successors and assigns, to the extent such rights exist and do not interfere with the use and enjoyment of Parcel A by the Commonwealth, its successors and assigns, rights of others

regarding the above-referenced pillar as described in an instrument dated January 16, 1946, and recorded at the Middlesex County, Northern District, Registry of Deeds at Book 1037, Page 241, rights of others in party walls as described herein, shown on the Plan or as may appear of record at said Registry of Deeds and rights of third parties to utility easements or lines as shown on the Plan.

Parcel D

A parcel of land in Lowell, Middlesex County, Massachusetts, lying southerly of Middle Street, a public way, and more particularly bounded and described as follows:

Beginning at a point in the southerly line of Middle Street, said point marking the northwesterly corner of the parcel described herein, the northeasterly corner of land conveyed to Suleyman Celimli by deed recorded in Book 2501 at Page 684 and said point of beginning further having approximate coordinates of N=599475.25 and E=650939.18 in the Massachusetts Coordinate System;

thence along the southerly line of Middle Street, S 83 degrees 58' 42" E, a distance of 66.05 feet to a point;

thence along land conveyed to the City of Lowell by deed recorded in Book 1859 at Page 392, being along the center of a sixteen foot wide passageway S 06 degrees 11' 37" W, a distance of 90.25 feet to a point;

thence along land conveyed to 4th AP Company by deed recorded in Book 2351 at Page 54, N 83 degrees 58' 42" W, a distance of

66.07 feet to a point;

thence along land conveyed to Suleyman Celimli by deed recorded in Book 2501 at Page 684, Parcel I, partly through a wall, N 06 degrees 12' 14" E, a distance of 90.25 feet to the point of beginning and containing 5,962 square feet.

The parcel described above is shown as "D" on a plan entitled "Land in LOWELL (Middlesex Co.) MA Surveyed for COMMONWEALTH DIVISION OF CAPITAL PLANNING & OPERATIONS FOR EMINENT DOMAIN TAKING PURPOSES," dated March 6, 1992, from the office of C.T. Male Associates, P.C. (hereinafter the "Plan"), to be recorded herewith and considered a part of this instrument.

The above-described parcel of land (labeled "D" on the Plan and hereinafter referred to as "Parcel D"), including all buildings or structures standing or affixed thereon and including the fee to the center line of Middle Street and in any other public streets, highways and public ways in Parcel D or contiguous and adjacent to Parcel D, provided such fee is a part of Parcel D, is taken together with any and all easements and rights appurtenant thereto, including all appurtenant rights and easements in passageways adjacent to Parcel D and otherwise as shown on the Plan.

Except as specifically set forth herein, this taking of Parcel D extinguishes all rights of any persons, corporations, other entities, public or private, their successors and assigns, in and to Parcel D, including, without limitation,

any rights of the City of Lowell.

Specifically excepted from the property and rights herein taken are rights of the City of Lowell for maintenance and use of Middle Street as a public way, rights of the Boston and Lowell Railroad, the Boston and Maine Railroad, their successors and assigns, to the extent such rights exist and do not interfere with the use and enjoyment of Parcel D by the Commonwealth and its successors and assigns, rights of others in party walls as described herein, shown on the Plan or as may appear of record and rights of third parties to utility easements or lines as shown on the Plan.

For damages sustained by the following persons or entities in their property by reasons of the aforesaid takings of Parcels A and D, and in accordance with the provisions of Massachusetts General Laws, Chapter 79, Section 6, as amended, awards are made. The Commonwealth of Massachusetts reserves the right to amend the awards at any time prior to the payment thereof for good cause shown. The awards hereby made are set forth in Annex "A" which Annex "A" is not to be recorded in the Registry of Deeds with this Order of Taking.

Parcel A

Supposed Owner/Lessee

Nature of Interest

Harvest Realty Trust
Raymond A. Carye, Trustee
Barbara F. Carye, Trustee
Edward F. Carye, Trustee
Christine A. Carye, Trustee

Fee title holder

Home Life Insurance Company

Mortgagee, Secured Party
and Assignee

Parties listed in Annex B hereto
and owners unknown

New Lowell Associates Limited
Partnership, all parties claiming
by, through and under said
Partnership and owners unknown

New Lowell Associates Limited
Partnership, all parties claiming
by, through and under said
Partnership and owners unknown

City of Lowell

Boston and Maine Railroad
Corporation and Guilford
Transportation Industries, both
c/o E.E. LeBlanc Property
Iron Horse Park
N. Billerica, MA 01862

Parcel D

Supposed Owner/Lessee

Middle Street Trust
Raymond A. Carye, Trustee
Edward F. Carye, Trustee

Home Life Insurance Company

Parties listed in Annex B hereto
and owners unknown

City of Lowell

Boston and Maine Railroad
Corporation and Guilford
Transportation Industries, both
c/o E.E. LeBlanc Property
Iron Horse Park
N. Billerica, MA 01862

Passageway rights

Rights and easements for
pedestrian, vehicular and
utility use

Easement for maintenance
of pillar

Any and all unpaid real
estate taxes or municipal
charges

Easements and appurtenant
rights thereto

Nature of Interest

Fee title holder

Mortgagee, secured party
and assignee

Passageway rights

Any and all unpaid real
estate taxes or municipal
charges

Easements and appurtenant
rights thereto

The names of owners and lessees herein given, although

supposed to be correct, are only matters of opinion and belief.



Kevin M. Smith
Commissioner of the Division
of Capital Planning and
Operations

COMMONWEALTH OF MASSACHUSETTS
DIVISION OF CAPITAL PLANNING AND OPERATIONS
OFFICE OF THE GENERAL COUNSEL

Suffolk, ss.

April 9, 1992

I, Gerald L. Solomon, Associate General Counsel of the Division of Capital Planning and Operations, hereby certify that at the date of this instrument, Kevin M. Smith is the Commissioner of the Commonwealth of Massachusetts' Division of Capital Planning and Operations, and as such, full faith and credit ought to be given in and out of court to his signature, and further that his signature is genuine.

In testimony of which, I have set my hand as of the date above written.



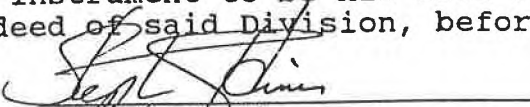
Gerald L. Solomon
Associate General Counsel

COMMONWEALTH OF MASSACHUSETTS

Suffolk, ss.

April 9, 1992

Then personally appeared the above-named Kevin M. Smith and acknowledged the foregoing instrument to be his free act and deed and the free act and deed of said Division, before me



Notary Public

My Commission Expires: November 6, 1992

Annex B

Lowell Institution for Savings
Starvaros Pamagiotopoulos
Media Business Service, Inc.
Paul J. Carey
Trustees, RK Realty Trust, Keith T. Caveney, Trustee
Nathan and Sala Birke
4th AP Company, Chapter 121A
City of Lowell
Richard Newrow
John P. Sullivan, Sr., and John P. Sullivan, Jr.
George C. Eliades, et al, c/o Edwards & Barry
Michael D. Athanasoulas and Alfred R. Falcone
Frank P. McCartin Co.
George F. Purnell
Charles R. Hillman, Jr.
Trustees, Wymans Exchange Associates
Robert P. Horlar
Trustees, PAR Realty Trust, Robert H. Goldberg, Trustee
Trustees, Brek Realty Trust, Anne E. Daugett, Trustee
New Lowell Associates Limited Partnership, Chapter 121A
Gilbert G. Campbell, et al, c/o Old Central Firehouse
Trustees, Harvest Realty Trust
Trustees, Kari Realty Trust
Unknown
Trustees, Middle Street Trust, Raymond A. Carye, Trustee
Suleyman Celimli
Trustees, Papalias Realty Trust
Trustees, Owel Investment Realty Trust, Daniel E. O'Malley, Trustee
Roger H. Halstead
Robert D. Glickman
Trustees, Kari Realty Trust, Raymond A. Carye, Trustee
Federal Deposit Insurance Corporation