

**OLD BUSINESS**

**6-23-08**

**THE COMMONWEALTH OF MASSACHUSETTS**

**TOWN OF MIDDLEBOROUGH**

**BY THE BOARD OF SELECTMEN**

**A PROCLAMATION**

WHEREAS, the Cranberry Country Moving Wall Committee consisting of

**Chairman:** Bob Burke, and;

**Subcommittee Chairmen:** Paul Provencher, Don Triner, Lynn Ingram, and Perry Little, Jr., and also;

**Members:**

Louie Almond	Doc Ingram	Norman Rcord
Ed Beaulieu	Al Issner	John Remedis
Joe Beneski	Paul Kreitzberg	Brian Reynolds
Jim Brackett	Anna Little	Bonnie Sylvester
Walter Campbell	John Montagamo	Jeff Sylvester
Clifford DeCoff, Jr.	Bill Oliver	Dave Walmsley
Bob Gray	Al Ortelt	Bruce Wright
Abe Haynes	Wayne Packard	Louise Wright, and;
Bill Holmes	Lisa Pratt	

WHEREAS, The Cranberry Country Moving Wall having had visited the Town of Middleborough from May 29, 2008 to June 2, 2008 was the result of over two years of time and effort by those listed above

NOW, THEREFORE, We, the Board of Selectmen, wish to extend our sincere appreciation and gratitude to all members of the Cranberry Country Moving Wall Committee for having had provided such a rewarding, emotionally moving, historical, experience for all residents of the Town of Middleborough and for all of those who traveled from neighboring Towns.

Dated at Middleborough, Massachusetts, this 23<sup>rd</sup> day of June, 2008.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**BOARD OF SELECTMEN**

6/29  
picnic for this  
committee in lakeville  
@ 2pm.  
would a member of  
Bos like to attend  
& present proc?  
V

DECAS, MURRAY & DECAS

ATTORNEYS AT LAW

132 NORTH MAIN STREET • MIDDLEBORO • MASSACHUSETTS 02346 • (508) 947-4433

GEORGE C. DECAS  
DANIEL F. MURRAY  
WILLIAM C. DECAS

REPLY TO POST OFFICE BOX 201  
MIDDLEBORO, MA 02346-0201  
FAX (508) 947-7147

WAREHAM OFFICE:  
219 MAIN STREET  
(508) 295-2115

June 19, 2008

Board of Selectmen  
Middleborough Town Hall  
Nickerson Avenue  
Middleboro, MA 02346

RE: Sachem Street relocation layout – William L. Byrne

Dear Members:

I enclose:

1. Proposed order of taking;
2. Copy of proposed deed;
3. Copy of proposed trustee's certificate; and
4. Original mylar plan.

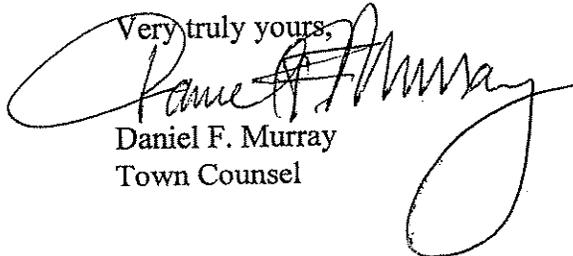
Please proceed to execute and notarize Item 1 and date and sign the mylar plan. You should use a fine point black magic marker to date and sign the plan.

The plan should be circulated to the Town Clerk and Planning Board for dates and signatures.

Please return the original executed order of taking and the fully endorsed plan to me for recording.

I will ask Mr. Byrne to sign the deed and trustee's certificate and record them along with the order of taking and plan.

Very truly yours,



Daniel F. Murray  
Town Counsel

DFM/s

Enclosures

cc: Stephen J. Lombard, Town Manager  
Donald Boucher, Highway Superintendent  
William L. Byrne

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NAPELHAM OFFICE  
29 MAIN STREET  
508 295-2115

June 19, 2008

William L. Byrne  
210 Wood Street  
Middleboro, MA 02346

RE: Sachem Street relocation

Dear Bill:

I enclose:

1. Trustee's Certificate;
2. Deed;
3. Copy of proposed Order of Taking; and
4. Copy of letter to Board of Selectmen.

Please review and if acceptable execute Items 1 and 2 and have your signature notarized on both documents. Then please return the fully executed originals to me for recording along with the relocation plan and order of taking.

Please call if you have any question.

Very truly yours,

Daniel F. Murray

DFM/s  
07-224  
Enclosures  
cc: Board of Selectmen  
Stephen J. Lombard, Town Manager

QUITCLAIM DEED

I, **WILLIAM L. BYRNE**, Trustee of the William L. Byrne Revocable Trust under a Declaration of Trust dated June 2, 1992 and recorded in the Plymouth County Registry of Deeds in Book 11302, Page 305, in consideration of One (\$1.00) Dollar paid, grant to the Town of Middleborough, a Massachusetts municipal corporation with an address of Town Hall, Nickerson Avenue, Middleboro, MA 02346, with QUITCLAIM COVENANTS, the land on the westerly side of Sachem Street in Middleborough, Plymouth County, Massachusetts shown as Parcel A on a plan entitled "Roadway Relocation Plan – Sachem Street in Middleboro, Massachusetts" dated June 18, 2008, prepared by Outback Engineering Incorporated and recorded herewith. Said Parcel A contains 5593 square feet of land. Hereby conveying said Parcel A on said plan however the same may be bounded and described.

The within land is conveyed for use as a town way of the Town of Middleborough for all purposes for which town ways are used in the Town of Middleborough.

See the deed of William L. Byrne recorded in the Plymouth County Registry of Deeds in Book 11302, Page 332 for grantor's title.

ADDRESS OF PROPERTY: Sachem Street, Middleboro, MA 02346

WITNESS my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
William L. Byrne, Trustee of the  
William L. Byrne Revocable Trust

COMMONWEALTH OF MASSACHUSETTS

Plymouth, SS:

On this \_\_\_\_\_ day of \_\_\_\_\_, 2008, before me, the undersigned notary public, personally appeared WILLIAM L. BYRNE, Trustee as aforesaid, proved to me through satisfactory evidence of identification, which was Commonwealth of Massachusetts driver's license, to be the person whose name is signed on the preceding document, and acknowledged to me that he signed it voluntarily for its stated purpose.

\_\_\_\_\_  
Notary Public:

My Commission Expires:

CERTIFICATE OF TRUSTEE  
WILLIAM L. BYRNE REVOCABLE TRUST

I, WILLIAM L. BYRNE of Middleborough, Plymouth County, Massachusetts, after being sworn hereby certifies:

1. I, William L. Byrne, am the sole trustee of the William L. Byrne Revocable Trust (the "Trust") under a declaration of trust dated June 2, 1992 recorded in the Plymouth County Registry of Deeds in Book 11302, Page 305. The Trust remains in existence and in force and effect.

2. I as Trustee of the Trust have full authority to act with respect to real estate owned by the Trust. Specifically I have full authority to convey to the Town of Middleborough for nominal consideration a parcel of land on the westerly side of Sachem Street in Middleboro, Massachusetts shown as Parcel A on a plan entitled "Roadway Relocation Plan – Sachem Street in Middleboro, Massachusetts" dated June 18, 2008, prepared by Outback Engineering Incorporated which plan is to be recorded.

3. Conveyance of the land to the Town of Middleborough described in the previous paragraph was authorized by all beneficiaries of the trust.

Signed under penalties of perjury this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
William L. Byrne, Trustee of the  
William L. Byrne Revocable Trust

COMMONWEALTH OF MASSACHUSETTS

Plymouth, SS:

On this \_\_\_\_\_ day of \_\_\_\_\_, 2008, before me, the undersigned notary public, personally appeared WILLIAM L. BYRNE, Trustee as aforesaid, proved to me through satisfactory evidence of identification, which was Commonwealth of Massachusetts driver's license, to be the person whose name is signed on the preceding document, and acknowledged to me that he signed it voluntarily for its stated purpose.

\_\_\_\_\_  
Notary Public:

My Commission Expires:

ORDER OF TAKING

The BOARD OF SELECTMEN of the TOWN OF MIDDLEBOROUGH in the name of and on behalf of the TOWN OF MIDDLEBOROUGH, a municipal corporation situated in the County of Plymouth and Commonwealth of Massachusetts, pursuant to a vote taken under Article 11 of the warrant for the 2008 Annual Town Meeting, pursuant to Massachusetts General Laws, Chapter 79, as amended, and pursuant to every other power hereto enabling, do hereby take by eminent domain the fee and all rights and easements in and to a parcel of land on the westerly side of Sachem Street, Middleboro, Plymouth County, Massachusetts shown as Parcel A on a plan entitled "Roadway Relocation Plan – Sachem Street in Middleboro, Massachusetts" dated June 18, 2008, prepared by Outback Engineering Incorporated and to be recorded herewith. Parcel A contains 5593 square feet of land.

The taking of the land as provided herein shall be for municipal purposes, to wit, for public way purposes of the Town of Middleborough, to be used for all purposes for which public ways are used in the Town of Middleborough. The land hereby taken will be used for relocation/alteration of a part of Sachem Street as shown on said plan.

The structures and trees in or within the land hereby taken are included in this Order of Taking, excepting however from this Order of Taking electric, telephone and cable transmission structures and facilities and any existing easements for electric, telephone and cable transmission structures and facilities.

The supposed owners of the above described land and the holders of any other interests therein are set forth below together with the damages which are hereby determined to have been caused by this taking and are hereby awarded:

<u>SUPPOSED PROPERTY OWNER(S) AND OTHER PARTIES</u>	<u>DAMAGES</u>
1. William L. Byrne, Trustee of the William L. Byrne Revocable Trust 210 Wood Street, Middleboro, MA 02346	- None
2. Parties Unknown	- None

This order was adopted and is dated this \_\_\_\_\_ day of \_\_\_\_\_ ,  
2008.

TOWN OF MIDDLEBOROUGH  
By:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
BOARD OF SELECTMEN

COMMONWEALTH OF MASSACHUSETTS

Plymouth, SS:

On this \_\_\_\_\_ day of \_\_\_\_\_, 2008, before me, the undersigned notary public, personally appeared ADAM M. BOND, Chairman of Middleborough Board of Selectmen, proved to me through satisfactory evidence of identification, which was Commonwealth of Massachusetts driver's license, to be the person whose name is signed on the preceding document, and acknowledged to me that he signed it voluntarily for its stated purpose.

\_\_\_\_\_  
Notary Public:

My Commission Expires: