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COMMONWEALTH OF MASSACHUSETTS

ESSEX, SS.

AMESBURY

ORDER OF TAKING

The Mayor of the City known as the Town of Amesbury, duly elected, qualified, and acting as such pursuant to a vote of the Amesbury Municipal Council dated December 13, 2011, a certified copy of which is attached hereto, and in accordance with the authority of the provisions of Chapter 79 of the General Laws, and any and every other power and authority hereunto enabling, hereby votes, orders, and takes, on behalf of the City known as the Town of Amesbury, for general municipal purposes, including, without limitation, for landfill purposes, the fee in and to the following parcels of land:

The two parcels of land in the Town of Amesbury, Essex County, being shown as the parcels containing 7.0 acres ± and 7.1 acres ± on a plan of land entitled "Amesbury, Mass., Plan of Land of Worthington Realty Trust and others, showing Existing Boundary Interpretation, Scale 1" = 60', September 1982, S.E.A. Consultants Engineers and Planners, Boston, Mass." recorded with the Essex South District Registry of Deeds as Plan 15, Plan Book 160, and to which plan reference is hereby made for a more particular description of each of the premises being conveyed hereunder.

The address of the granted premises are off Route 150, Amesbury, Massachusetts.

The granted premises include the entire parcels containing 6.93 acres± and 6.09 acres± as shown on Sheet 2 of a plan of land entitled "Plan of Land in Amesbury, Mass. as surveyord for Clifford W. Titcomb and John J. Ryan, Jr. Trustee, Scale 1" = 60', July 14, 1980, Prepared by Goodwin-Gallagher Associates, Inc., Engineers - Architects - Land Surveyors, 8 Marblehead Street, North Andover, Massachusetts", recorded with the Essex South Registry of Deeds on April 26, 1982, as Plan No. 17147 (Plan Book 171, Plan 47); and also include so much of the parcel containing 4.00 acres± as shown on said plan, not previously conveyed to the Grantee by deed dated August 18, 1980, of Clifford W. Titcomb, Trustee of the Worthern Realty Trust, which deed is recorded with said Registry in Book 6724, Page 760. Reference is made to said plan for a more particular description of said premises.

Said property is owned or supposed to be owned and/or formerly owned by the following hereinafter collectively referred to as Owners.

Owner: John J. Ryan, Jr., Trustee, Yankee Trader Trust (u/d/t dated June 21, 1980, recorded in Book 6724, Page 756, as amended)
Mailing Address: 31 Brentwood Circle, Plymouth, MA 02360
Interest Taken: Fee Interest
Title: Essex South District Registry of Deeds, Book 8071, Page 343

If in any instance the name of any Owner is not correctly stated, the names of the supposed Owners being given as of this Order of Taking, it is understood that in such instance the land referred to is owned by an Owner or Owners unknown to us. Kopelman & Paige P.C.
101 Arch Street
Boston, MA 02110

Attn:

42 7

The amount awarded as damages sustained by the Owner or Owners of said property in accordance with the provisions of G.L. c. 79, §6, as amended and to any other person or corporation having an interest therein is set forth on the attached Schedule A, attached hereto and incorporated herein, but which shall not be recorded with said Deeds.

No betterments are to be assessed under this taking.

There is excepted from this taking: (a) any easements held, and structures owned, by public utility companies for the installation of electricity, telephone, gas, water or other services; (a) the easement recorded in Book 8624, Page 88, to the extent such easement is in force and effect; and (c) any rights acquired by the Commonwealth of Massachusetts under the Orders of Taking recorded with said Deeds in Book 5139, Page 530, Book 5258, Page 66, and Book 5259, Page 642, to the extent such rights are still in force and applicable.

Any and all trees and other structures located upon the easement taken are included in this taking.

[signature page follows]

IN WITNESS WHEREOF, the Mayor of the City known as the Town of Amesbury, duly authorized, has hereunto set his hand on this 1st day of February, 2012.

CITY KNOWN AS THE TOWN OF
AMESBURY

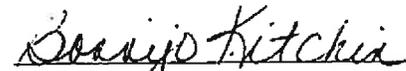


Thatcher W. Kezer III
Mayor

COMMONWEALTH OF MASSACHUSETTS

Essex, ss.

On this 1st day of February, 2012, before me, the undersigned Notary Public, personally appeared Thatcher W. Kezer III, Mayor of the City known as the Town of Amesbury, and proved to me through satisfactory evidence of identification, which was known to me 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 on behalf of the City known as the Town of Amesbury.



Notary Public
My commission expires:

431529/AMES/0001

 **BONNUO KITCHIN**
Notary Public
Commonwealth of Massachusetts
My Commission Expires
April 13, 2012



**TOWN OF AMESBURY
IN THE YEAR TWO THOUSAND ELEVEN**

Sponsored By: Thatcher W. Kezer III, Mayor Bill No. 2011-055

At the meeting of the Amesbury Municipal Council held on December 13, 2011 in the Town Hall Auditorium the following action was taken:

An Order that the Municipal Council vote to authorize the Mayor to acquire property located at 23 Martin Road South;

Summary: Vote to authorize the Mayor to acquire by gift, purchase, or eminent domain the fee in and to the property located on 23 Martin Road South, identified on Assessors Map 87 as Parcel 2, owned by John J. Ryan, Jr., Trustee, Yankee Trader Trust, and being the same premises described in a deed recorded with the Essex South District Registry of Deeds in Book 8071, Page 343, for general municipal purposes, including, without limitation, for landfill purposes, and in connection therewith, to obtain a release of claims on the foregoing property from Sprague Energy Corp.;

Vote to raise and appropriate, transfer from available funds, and/or borrow the sum of Seventy Thousand Dollars (\$70,000.00) for the purpose of the foregoing acquisition and release and costs related thereto;

Vote to authorize the Mayor to execute any and all documents reasonably necessary to effectuate such acquisition.

Be it Ordained by the Municipal Council of the Town of Amesbury assembled and by the authority of the same, as follows: that the Municipal Council vote to authorize the Mayor to acquire property at 23 South Martin Road South.

Councilor Neale moved to approve as submitted, subject to the following condition: That the Mayor negotiate a written License Agreement (or its reasonable equivalent) with Waste Management binding upon Waste Management and its successors and assigns relative to the terms and conditions under which Waste Management and its successors and assigns will be occupying the land to be taken (including (a) Waste Management's obligations and responsibilities under applicable environmental law and DEP regulations relative to the subsurface of the land, (b) Waste Management's indemnification to the City of Amesbury as owner of said land and (c) including the City of Amesbury having the right to use and occupy the surface of said land), said written agreement to be effective for a period of at least 30 years and to be brought back to the Municipal Council for approval. Subject to the condition contained in this motion, the Mayor shall have the right to formulate the terms and provisions of such License Agreement as he in his sound discretion shall determine. Councilor Kelcourse seconded.

Roll Call Vote 9 – Yes (9- Members present)

Witness my hand and seal for the Town of Amesbury this 15th day of December, 2011

Bonijo Kitchen
Town Clerk

Thatcher W. Kezer III
Thatcher W. Kezer III, Mayor

12/15/11
Date

A TRUE COPY ATTEST

Bonijo Kitchen
TOWN CLERK

PLAN BOOK 211 PLAN 96
 DATE: APRIL 14, 1960
 PLAN: 14
 BY: [Signature]
 CHECKED BY: [Signature]
 REGISTERED: [Signature]

APPROVAL UNDER THE
 SUBDIVISION CONTROL
 LAW NOT REQUIRED

AMESBURY PLANNING
 BOARD

LEASE PLAN OF LAND
 IN
 AMESBURY, MASS.

OWNED BY
 JOHN J. RYAN, JR., TRUSTEE,
 SCALE: 1" = 60'

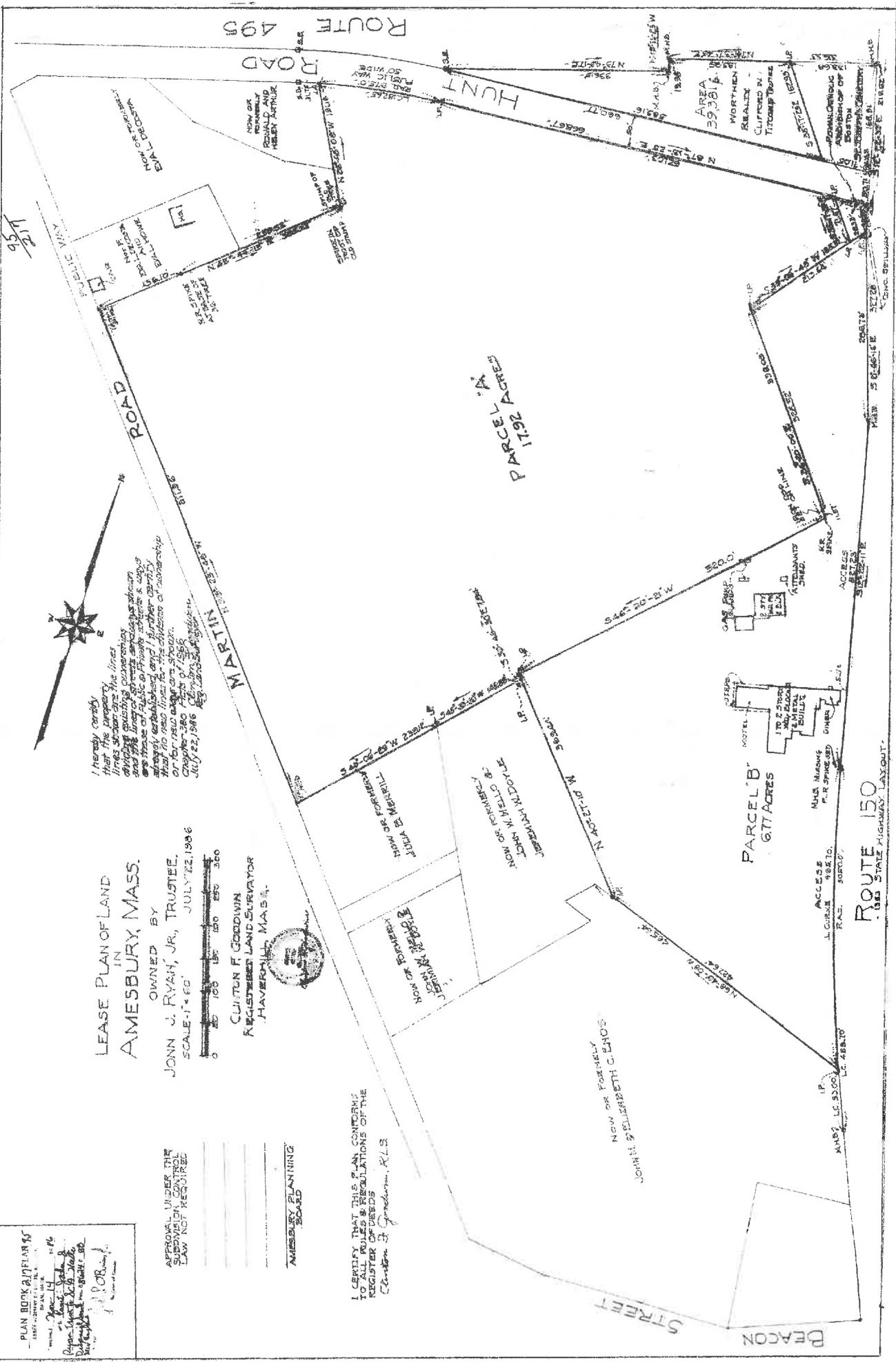
JULY 22, 1986
 CLYTON F. GOODWIN
 REGISTERED LAND SURVAYOR
 HAVERHILL, MASS.



I hereby certify that the property lines shown on this plan conform to the original survey and to the original deed thereon and that the same are correct and true to the original survey and to the original deed thereon.

CLYTON F. GOODWIN
 REGISTERED LAND SURVAYOR
 HAVERHILL, MASS.

I CERTIFY THAT THIS PLAN CONFORMS
 TO ALL RULES & REGULATIONS OF THE
 REGISTER OF DEEDS
 CLYTON F. GOODWIN, R.L.S.



ROUTE 150
 1833 STATE HIGHWAY LAYOUT

