

COMMONWEALTH OF MASSACHUSETTS

CITY OF LOWELL

In City Council

ORDER OF TAKING

To Take by Eminent Domain a certain parcel of land in the City of Lowell for Municipal Purposes; namely 75 Arcand Drive, Lowell, MA to serve as the site of the new High School, and other municipal purposes associated therewith.

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The City of Lowell is desirous of constructing a new High School building and expanding their current downtown campus; and

The City Council of the City of Lowell, in order to accomplish the construction of the new Lowell High School building, has the right to exercise its power of eminent domain to acquire thereby a certain property; and

The property located at 75 Arcand Drive has been identified as a necessary part of what will be the new, expanded downtown campus.

BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF LOWELL as follows:

1. That the City of Lowell, by right of eminent domain, pursuant to the applicable provisions of Massachusetts General Laws, Chapter 79 and of any and every other power granted or implied, hereby takes 75 Arcand Drive by eminent domain for the municipal purpose of constructing a new High School and expanding its current downtown campus. The taking of 75 Arcand Drive by eminent domain is for fee simple interest and includes any buildings, vegetation and improvements thereon.

The taking by eminent domain is subject to any utility easements to Lowell Gas Company, Mass. Electric Co. or New England Telephone, or the successors of such entities and any other utility easements as may be recorded at Middlesex North District Registry of Deeds, which easements are specifically excluded from this Order of Taking.

The taking of 75 Arcand Drive, consists of one separate parcel identified as Lot "7A" containing approximately 62,293 ± sq. ft., as shown on the plan entitled "Disposition Map of

Lots 7A and 7B, Northern Canal Renewal Area, Project No. Mass R-16, Scale 1”-100’, Mar. 31, 1967, Dana F. Perkins & Sons, Inc., Civil Engineers & Surveyors, Lowell, Mass.”, which plan shall be recorded with this Order of Taking at Middlesex North District Registry of Deeds, and a copy is attached hereto as Attachment "A". The Plan is incorporated by reference and made a part of this Order. Further, a property description of 75 Arcand Drive is attached hereto as Attachment “B”. The Description is incorporated by reference and made a part of this Order. A copy of deed is recorded in Book 2736 Page 152.

2. IT IS FURTHER ORDERED that as compensation to the owners for all damages arising from the Taking of 75 Arcand Drive, (inclusive of building, vegetation and improvements) the following sum is awarded for damages incurred by reason of the taking of a fee simple interest in 75 Arcand Drive, reserving the right to amend the award at any time prior to the payment by reason of a change of ownership or for other good cause shown:

Parcels taken and shown on Attachment "A" and “B” are identified as specified below:

<b>TOTAL SQUARE FOOTAGE</b>	<b>PROPERTY ADDRESSES</b>	<b>OWNER'S NAME</b>	<b>MONETARY AWARD</b>
62,293 sq. ft±	75 Arcand Drive Lot "7A"	Trs. Lowell Doctors Park Trust Book 2736 Page 146.	\$2,600,000.00
<b>TOTAL</b>			<b>\$2,600,000.00</b>

OTHER PARTIES IN INTEREST:

**Name & Address**

**Interest**

Enterprise Bank and Trust Company  
222 Merrimack Street  
Lowell, MA 01852  
Book 10907, Page 123

Mortgage (\$650,000.00)

Enterprise Bank and Trust Company  
222 Merrimack Street  
Lowell, MA 01852  
Book 10907, Page 130

Assignment of Rents (\$650,000.00)

Enterprise Bank and Trust Company  
222 Merrimack Street  
Lowell, MA 01852

Mortgage (\$150,000.00)

Book 20874, Page 24

Enterprise Bank and Trust Company  
222 Merrimack Street  
Lowell, MA 01852  
Book 20874, Page 31

Assignment of Rents (\$150,000.00)

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GRAND TOTAL SUM OF AWARD OF DAMAGES \$2,600,000.00

3. It is further Ordered that the amount of any unpaid encumbrances and/or taxes will be deducted by the City from any award and paid directly to the party entitled thereto.

4. IT IS FURTHER ORDERED that a copy of the Order, related Plan and Description, be recorded at the Middlesex North District Registry of Deeds, and the Land Registration Section, if applicable, in compliance with MGL Chapter 79.

5. IT IS FURTHER ORDERED that the total sum of TWO MILLION SIX HUNDRED THOUSAND (\$2,600,000.00) DOLLARS for the Taking of 75 Arcand Drive in fee simple interest, including the parcel of land, with the buildings thereon, as all damages caused in connection with the Taking, plus the cost of recordings and other incidental charges related thereto, be charged against the appropriations entitled:

“Account # 67160005-580800”

NORTHERN CANAL RENEWAL AREA

PROJECT NO. MASS. R-16

SCALE 1"=100'

MAR. 31, 1967

LOWELL PLANNING BOARD ANA F. PERKINS & SONS INC.

Approved Under the Subdivision Act CIVIL ENGINEERS & SURVEYORS.

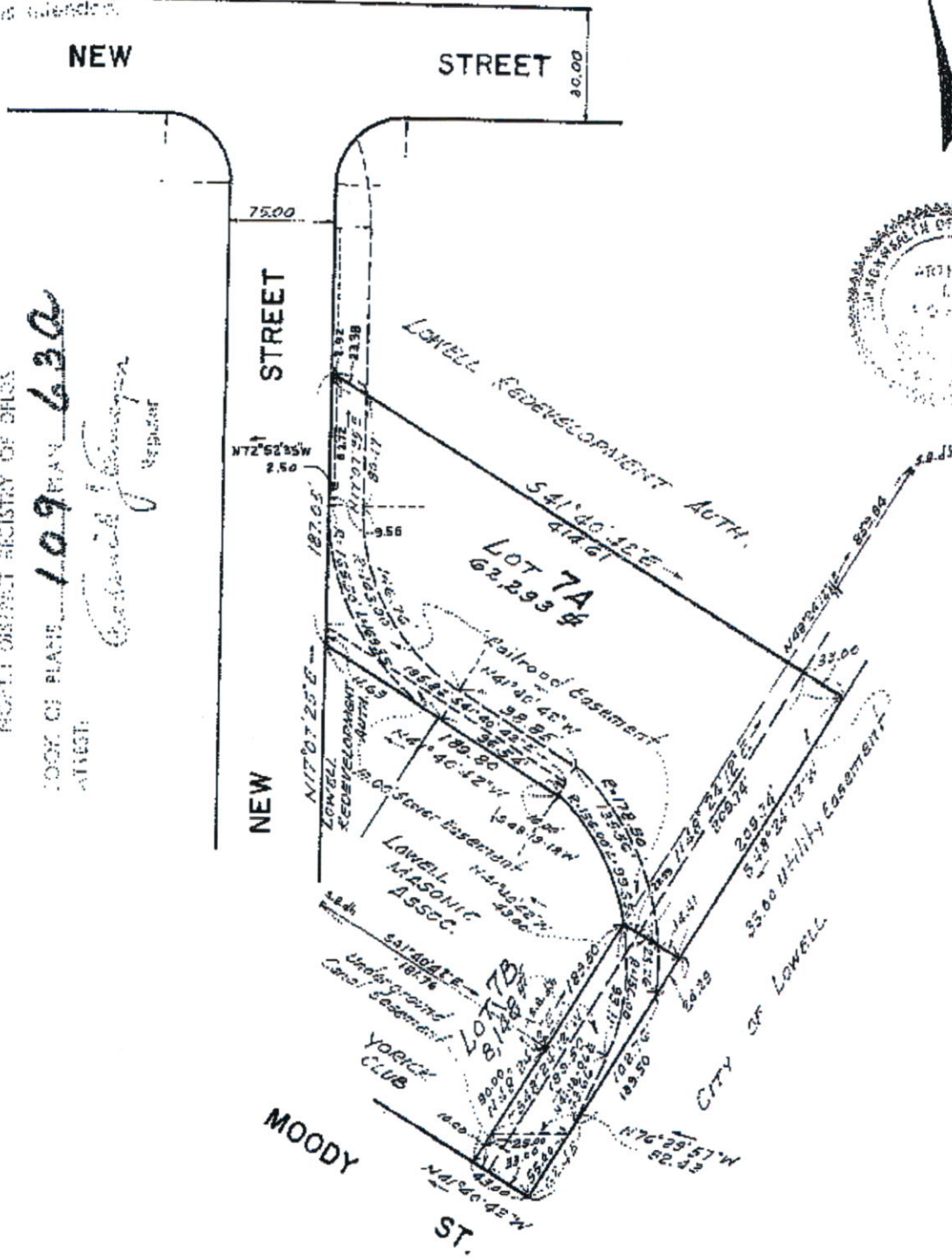
Lowell, Mass. 01850

LOWELL, MASS.

April 5, 1967

*John J. Savaris* Planning Director  
*Frank W. Grady* Asst. City Engineer

No determination of compliance with Zoning Regulations has been made or is intended.



LOWELL, MASS. September 19, 1969  
RECEIVED AND FILED WITH AND INDEXED  
IN THE OFFICE OF THE  
REGISTRAR OF DEEDS  
BOOK OF PLATS 109 PAGE 63A  
ATTEST:  
*Richard J. Thompson*  
REGISTRAR

11A

A certain parcel of land in Lowell, Massachusetts, including any and all buildings, structures of any kind, parking lots, landscape features, lighting, utilities, and trees, within the bounds set forth, situated on the southeasterly side of Arcand Drive, northerly land now or formerly of the Lowell Masonic Assoc., containing 62,293 square feet, more or less, and being shown as LOT 7A on a plan entitled, "Disposition Map of LOTS 7A & 7B, Northern Canal Renewal Area, Project No. Mass. R-16, Scale 1"-100' Mar. 31, 1967, Dana F. Perkins & Sons, Inc., Civil Engineers & Surveyors, Lowell, Mass. which plan is recorded in Middlesex North District Registry of Deeds, Plan Book 109, Plan 63A, and thus bounded and described:

Beginning at a point on the southeasterly side of a public way currently known and designated as Arcand Drive, formally known as New Street on a plan entitled, "Disposition Map of LOTS 7A & 7B, Northern Canal Renewal Area, Project No. Mass. R-16, Scale 1"-100' Mar. 31, 1967, Dana F. Perkins & Sons, Inc., Civil Engineers & Surveyors, Lowell, Mass. which plan is recorded in Middlesex North District Registry of Deeds, Plan Book 109, Plan 63A, and the westerly corner of land now or formerly of the Lowell Redevelopment Authority;

THENCE S 41 40' 42" E along land now or formerly of Lowell Redevelopment Authority; 414.61 feet to a point;

THENCE S 48 24' 12" W along land now or formerly of the City of Lowell, 209.74 feet to LOT 7B;

THENCE Westerly by three courses along LOT 7B; land now or formerly of Lowell Masonic - Assoc., and land now or formerly of Lowell Redevelopment Authority N 41 40' 42" W, 43.00 feet; 99.85 feet at a radius of 156.00 feet; N 41 40' 42" W, 189.80 feet to Arcand Drive;

THENCE N 17 07' 25" E along said Arcand Drive, 187.05 feet to the point of beginning.

Subject to a Right-of-Way granted by City Development Authority to the Boston and Maine Corporation, dated May 14, 1968, recorded in Middlesex North District Registry of Deeds, Book 1895, Page 607.

Subject also to a 33.00 foot utility easement granted by City Development Authority to the City of Lowell, dated August 29, 1969, recorded in said Registry of Deeds, Book 1898, Page 81.

Subject also to a 10.00 foot sewer easement granted by City Development Authority to the Lowell Masonic Association, Inc., dated August 29, 1969, recorded in said Registry of Deeds, Book 1898, Page 85.

Being a portion of the premises taken by eminent domain by the City Development Authority, by Order of Taking #12, dated May 31, 1968, and recorded-May 31, 1968, in said Registry of Deeds, Book 1845, Page 189.

The above described premises are conveyed subject to easement specified and shown as continuing or to be created or reserved in the Urban Renewal Plan for the Northern Canal Renewal Area Project No. Mass. R-16, dated July, 1962, as amended, a copy of which is on file in the office of the City Clerk of the City of Lowell. Subject also to all restrictions, rights, easements, and reservations which are excluded and excepted and specifically set forth in said above mentioned Order of Taking.

The Grantee covenants and agrees, for itself and its successors and assigns, that the Grantee and such successors and assigns shall be subject to the covenants and agreements set forth in a deed from City development Authority to the Grantor recorded in said Registry of Deeds, Book 1997, Page 705.

**"B"**



Eileen Donoghue  
City Manager

November 2, 2018

Mayor William Samaras  
and  
Members of the City Council

Re: Order of Taking-75 Arcand Drive

Dear Mayor Samaras and Members of the City Council

Attached is an order of Taking for the property at 75 Arcand Drive. The Taking is in furtherance of the Lowell High School project. Over the past few months the City has continued to make progress on this project, including the authorization of a loan order of \$2.6 million; approval from the Bureau of Relocation for our relocation plan and complying with all applicable MSBA deadlines. We have also had ongoing discussions with counsel for the doctors regarding the taking and relocation issues.

Acquisitions of this property will be another positive development in our pursuit of a new Lowell High School.

Very truly yours,

Eileen M. Donoghue  
City Manager

Orderoftaking-arcanddr-75

cc: Kara Keefe Mullin, Assistant City Manager  
Christine P. O'Connor, City Solicitor  
Elliott Veloso, Assistant City Solicitor  
Diane Tradd, Asst. City Manager/DPD Director