BOOK 2070 PAGE 091

16274

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

Office of the Board of Water Commissioners of the Barnstable Fire District

ORDER OF TAKING OF LAND IN BARNSTABLE, BARNSTABLE COUNTY, MASSACHUSETTS, BY THE COMMISSIONERS FOR WATER SUPPLY PURPOSES

We, Lauchlan M. Crocker, William Daniel Knott and William P. Lovejoy, Jr., the duly elected and qualified members of the Board of Water Commissioners of the Barnstable Fire District, a municipal corporation located in Barnstable, in the County of Barnstable and Commonwealth of Massachusetts, under the provisions of Chapter 302 of the Acts of 1934 and all other statutes in amendment thereof and in addition thereto, and under the power conferred upon us as such Board of Water Commissioners by vote of said Barnstable Fire District, while acting under Article 11 of the Warrant for the Annual Meeting of the Barnstable Fire District, duly called and held on the eleventh day of March, A.D, 1974, as will more particularly appear by reference to the records of the Clerk of said District, and by virtue of every other power us hereto enabling, having complied with all the preliminary requirements prescribed by law, do adopt and decree this Order of Taking, and do hereby take in fee for and in behalf of said Barnstable Fire District, for the purpose of additional well fields and additional pumping plants and improvements and extension of the water system for the Barnstable Fire District, under the provisions of Chapter 79 of the General Laws (Ter. Ed.) and all Acts in amendment thereof ar in addition thereto, all the land, with the trees and all standing wood thereon and any rights of way or other easements, excepting public ways, crossing said land, situated in said Barnstable, within said District, at or near the Village of Barnstable, so-called, more

particularly bounded and described as follows:

Southerly	by land of Allan F. Jones, on two courses, a total distance of one thousand one hundred twenty and 40/100 (1,120.40) feet;
Westerly	by land of said Jones, on four courses, a total distance of one thousand six hundred twenty-eight and 90/100 (1,628.90) feet;
Northerly	by land of said Jones, on two courses, a total distance of seven hundred ninety-seven and 53/100 (797.53) feet;
Westerly	by land of said Jones, two hundred eighty and 00/100 (280.00), feet; more or less;
Northerly	by land of the Commonwealth of Massachusetts, one hundred forty-five and 00/100 (145.00) feet;
Easterly	by land of William P. Swift, on three courses, a total distance of three hundred ninety-four and 21/100 (394.21) feet, more or less;
Northerly	by land of said Swift and land of Martin E. Sher, Trustee of Martin Real Estate Trust, a total distance of five hundred eighty-five and 00/100 (585.00) feet;
Easterly	by land of said Martin E. Sher, Trustee and land of Owners Unknown, on two courses, a total distance of one thousand twenty-two and 93/100 (1,022.93) feet;
Southerly	by land of William Durrell, one hundred fifty-one and 86/100 (151.86) feet;
South-easterly	by land of said Durrell, two hundred sixteen and 41/100 (216.41) feet;
Southerly	by land of Eero V. Koski, ninety-seven and 59/100 (97.59) feet; and
Easterly	by land of said Koski, one hundred twenty and 00/100 (120.00) feet.

All as shown on: "PLAN OF LAND IN BARNSTABLE, MASS. FOR THE BARNSTABLE FIRE DISTRICT January 17, 1974 - Revised June 4, 1974 - Scale 1" =100' Edward E. Kelley, Reg. Land Surveyor, Cummaquid, Mass.", which said plan is duly recorded with the Barnstable County Registry of Deeds.

The names of the Owners and area of taking are as follows:

Parcel & Rights of Way	Owner & Address	Area
Rights of Way and any other easements crossing said land.	Owner or Owners Unknown	
1	Allan F. Jones and Stephen C. Jones Trustees of Iyanough Hills Realty Trust, under a Declaration of Trust recorded with Barnstable County Registry of Deeds in Book 2027, Page 254, c/o Allan F. Jones, Hyannis Road, Barnstable, Mass.	3.66

2	Allan F. Jones and Stephen C. Jones Trustees of Iyanough Hills Realty Trust, under a Declaration of Trust recorded with said Barnstable Deeds in Book 2027, Page 254, c/o Allan F. Jones, Hyannis Road, Barnstable, MA.	7.21
3.	Allan F. Jones and Stephen C. Jones, Trustees of Iyanough Hills Realty Trust, under a Declaration of Trust recorded with said Barnstable Deeds in Book 2027, Page 254, c/o Allan F. Jones, Hyannis Road, Barnstable, MA.	8.38
4	William P. Swift, an undivided 3/5th interest, Bow Lane, Barnstable, MA. Bridgeport City Trust Company, Trustees under the Will of Daniel W. Nye, an undivided 1/10th interest, Bridgeport, Connecticut Mabel T. Nye, an undivided 1/10th interest, of Westport, Fairfield Cty., Connecituct Thomas H. Nye, or his heirs, an undivided 1/5th interest, address unknown	4.99
5	Owner or Owners Unknown	4.99
6	Owner or Owners Unknown	.99
7	Owner or Owners Unknown	.96
8	Owner or Owners Unknown	1.09
9	William P. Swift, Bow Lane, Barnstable, MA.	1.93
10	William W. Durrell and Priscilla L. Durrell, Old Route 132, Barnstable, MA.	.29
11	Eero V. Koski and Jennie O. Koski, 21 Garfield Road, Quincy, MA.	.47
12	Allan F. Jones and Stephen C. Jones, Trustees of Iyanough Hills Realty Trust under a Declaration of Trust recorded with said Barnstable Deeds in Book 2027, Page 254, c/o Allan F. Jones, Hyannis, Road, Barnstable, MA.	4.79
13	Allan F. Jones and Stephen C. Jones, Trustees of Iyanough Hills Realty Trust under a Declaration of Trust recorded with said Barnstable Deeds in Book 2027, Page 254, c/o Allan F. Jones, Hyannis Road, Barnstable, MA.	11.13

14 Gustave R. Maertins and Priscilla M. Willard Trustees of Maertins Realty Trust, under a Declaration of Trust recorded with Barnstable County Registry of Deeds in Book 1343, Page 784 and Amended by instrument recorded in Book 1581, Page 180, c/o Gustave R. Maertins, 11 Russo Road, Hyannis Park, West Yarmouth, Barnstable County, Massachusetts 1.17

Adopted and dated at Barnstable this 9th day of July, A.D., 1974.

Lauchlan M. Crocker

William Daniel Knott

William P. Lovejoy, Jr.

BOARD OF WATER COMMISSIONERS
BARNSTABLE FIRE DISTRICT

RECORDED JUL 15 74

BARNSTABLE COUNTY
REGISTRY OF DEEDS
A TRUE COPY, ATTEST
JOHN F. MEADE, REGISTER

62-98P

	OWNER	AREA	DEED REF.	ADDRESS
PARCEL 1	ALLAN F. JONES	3.66 ACRES		HYANNIS RD., BARNSTABLE, MASS. 02630
PARCEL 2	ALLAN F. JONES	7.21 ACRES	BK.1831 PG.148	
PARCEL 3	ALLAN F. JONES	8.38 ACRES	BK.1831 PG.148	
PARCEL 4	WILLIAM P. SWIFT	4.99 ACRES	BK.1863 PG. 83	BOW LANE, BARNSTABLE, MASS. 02630
PARCEL 5	MARTIN E. SHER, TR.	4.99 ACRES	BK.1806 PG. 22	C/O HARRY SHER, SUITE 341 PARK SQ. BUILDING BOSTON, MASS.
PARCEL 6	UNKNOWN	0.99 ACRES		
PARCEL 7	UNKNOWN	0.96 ACRES		
PARCEL 8	UNKNOWN	1.09 ACRES		
PARCEL 9	WILLIAM P. SWIFT	1.93 ACRES	BK.1863 PG.83	
PARCEL 10	WILLIAM DURRELL	0.29 ACRES	BK.1458 PG. 884	95 CHRISTOPHER ST. NEW YORK, N.Y. 10000
PARCEL 11	EERO V. KOSKI	0.47 ACRES	BK.1596 PG. 99	21 GARFIELD ST. QUINCY, MASS. 02169
PARCEL 12	ALLAN F. JONES	4.70 ACRES	BK.1831 PG. 148	
PARCEL 13	ALLAN F. JONES	11.13 ACRES	BK.1831 PG. 148	
PARCEL 14	GUSTAVE R. MAERTINS ETAL	1.17 ACRES	BK.1263 PG. 405	11 RUSSO RD. HYANNIS PARK, HYANNIS, MASS. 02601
	TOTAL	51.96 ACRES		

RECEIVED AND RECORDED
Jul 16 2 18 PM '74
BARNSTABLE COUNTY REGISTRY OF DEEDS
STEPHEN A. CRANE REGISTER

Re: Order of Taking Bk. 2070 Pg. 91

BOOK 286 PAGE 24

MID-CAPE HIGHWAY ROUTE 6

R=10,875.00 MHB (FND) CB (FND)
A=172.62 A=160.16

LOCUS SKETCH SCALE 1"=

COMMONWEALTH OF MASSACHUSETTS BK. 354 PG. 130

ALLAN F. JONES
ALLAN F. JONES BK. 1831 PG. 148
ALLAN F. JONES BK. 1831 PG. 148
WILLIAM P. SWIFT BK. 1863 PG. 83
FRANCES G. WESSELHOEFT LCP. 36999
POND LIJAH ANCIENT WAY ROAD 40' WIDE
STONES (FND)
STK & STONES (FND)
STK & STONES (FND) CB (SET)
SB (FND)
CB (SET)
WELL 4
WELL 5
WELL 6
WELL 6-3
WELL 7
PARCEL 1
PARCEL 2
PARCEL 3
PARCEL 4
PARCEL 5
PARCEL 6
PARCEL 7
PARCEL 8
PARCEL 9
PARCEL 10
PARCEL 11
PARCEL 12
PARCEL 13
PARCEL 14
LEASE AREA 13,062 SQ.FT.
MARTIN E. SHER, TR. MARTIN REAL ESTATE TRUST BK. 1806 PG. 22
OWNER UNKNOWN
WILLIAM DURRELL BK. 1458 PG. 884 PL.BK. 131 PG. 85
EERO V. KOSKI BK. 1596 PG. 99 PL.BK. 131 PG. 85
ROAD
WOOD
OVERGROWN
TRAVELED WAY
CAPE & VINEYARD ELECTRIC COMPANY - EASEMENT
EASEMENT 30' WIDE
270' WIDE
COUNTY WAY
OLD ROUTE 132
80' WIDE

NOTE - THE LAND ACQUISITION SHOWN ON THIS PLAN HAS BEEN APPROVED BY THE MASSACHUSETTS DEPARTMENT OF PUBLIC HEALTH ON APRIL 23, 1974.

PLAN OF LAND IN BARNSTABLE, MASS.
FOR
THE BARNSTABLE FIRE DISTRICT

JANUARY 17, 1974
REVISED JUNE 4, 1974
SCALE 1"= 100'

EDWARD E. KELLEY
REG. LAND SURVEYOR
CUMMAQUID, MASS.

APPROVAL UNDER THE SUBDIVISION CONTROL LAW NOT REQUIRED
DATE JUL 1 1974

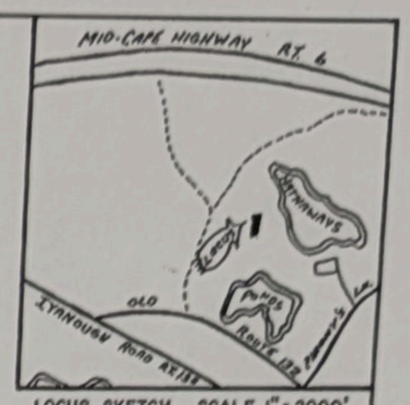
Sally A. Norris

BARNSTABLE PLANNING BOARD

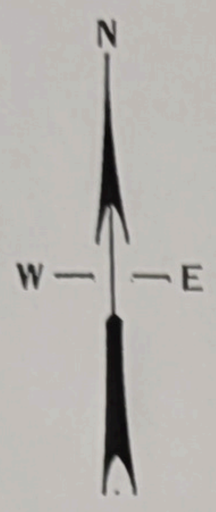
COMMONWEALTH OF MASSACHUSETTS EDWARD E. KELLEY No. 6130 REGISTERED LAND SURVEYOR

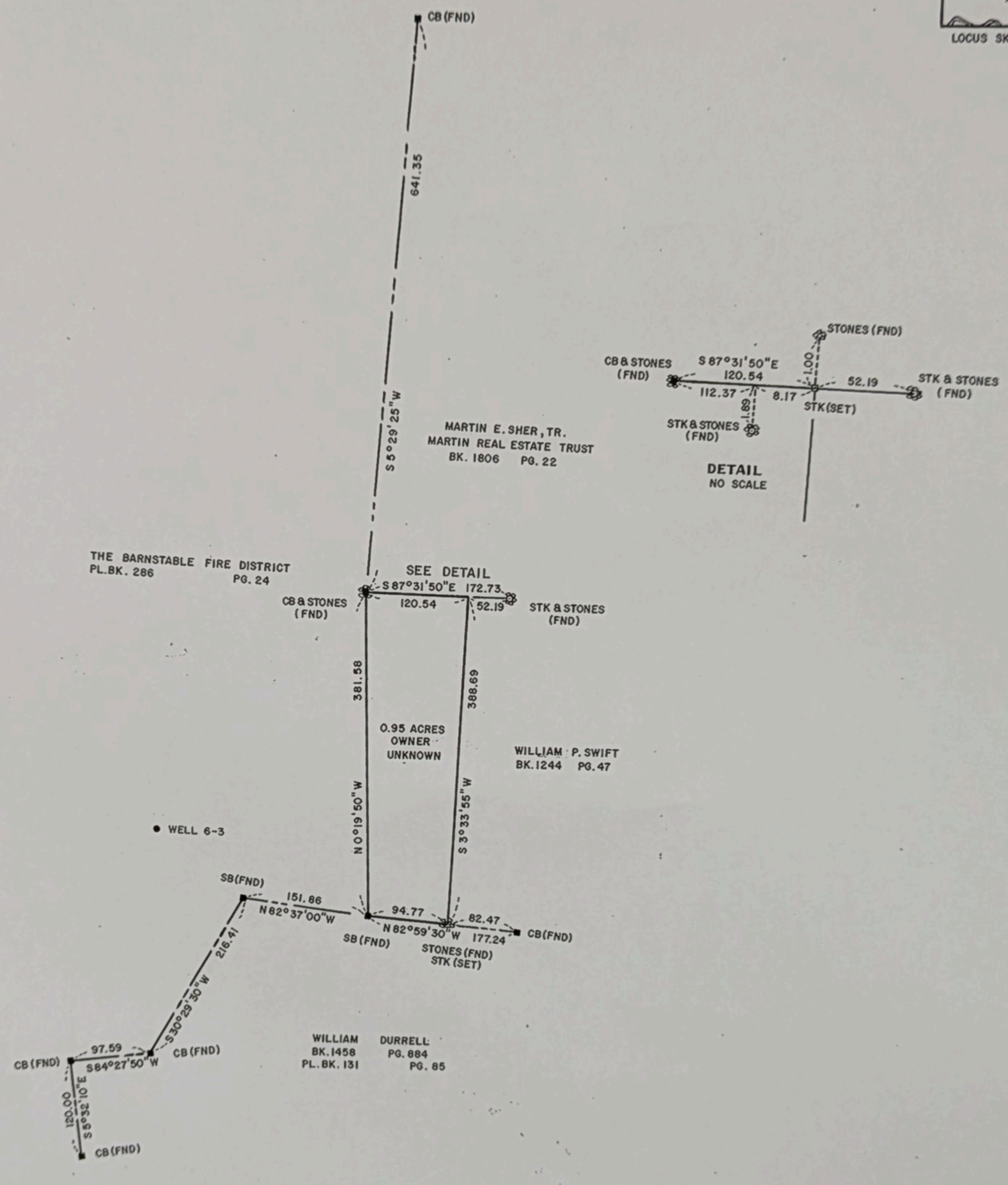
292-73

RECEIVED & RECORDED
MAR 18 11 26 AM '75
BARNSTABLE COUNTY
REGISTRY OF DEEDS
STEPHEN WEEKES
REGISTER



LOCUS SKETCH SCALE 1" = 2000'





BOOK 292 PAGE 73

PLAN OF LAND IN BARNSTABLE, MASS.
FOR
THE BARNSTABLE FIRE DISTRICT

AUGUST 12, 1974 SCALE 1" = 100'

EDWARD E. KELLEY
REG. LAND SURVEYOR
CUMMAQUID, MASS.

APPROVAL UNDER THE SUBDIVISION CONTROL LAW NOT REQUIRED.

DATE SEP 9 1974

Sally A. Monts

BARNSTABLE PLANNING BOARD

NOTE - ON JANUARY 14, 1975 THE MASSACHUSETTS DEPARTMENT OF PUBLIC HEALTH APPROVED THE ACQUISITION DELINEATED HEREON.

COMMONWEALTH OF MASSACHUSETTS
EDWARD E. KELLEY
No. 21120
REGISTERED LAND SURVEYOR

PLAN OF LAND IN BARNSTABLE, MASS.
FOR
THE BARNSTABLE FIRE DISTRICT

MARCH 3, 1978

50 0 50 100
SCALE IN FEET

EDWARD E. KELLEY
REG. LAND SURVEYOR
CUMMAQUID, MASS.

APPROVAL UNDER THE SUBDIVISION CONTROL LAW NOT REQUIRED.
DATE 1. May 1978
Mary Anne Crafton-Rodgers
_____
_____
_____
_____
BARNSTABLE PLANNING BOARD

THE LAND ACQUISITIONS SHOWN ON THIS PLAN HAS BEEN APPROVED BY THE DEPARTMENT OF ENVIRONMENTAL QUALITY ENGINEERING ON
...November 28, 1977.....

LOCUS SKETCH SCALE 1"=2000'



MID-CAPE HIGHWAY STATE HIGHWAY VARIABLE WIDTH ROUTE 6

SCALE 1"=100'

BOOK 321 PAGE 99

LIST OF OWNERS

	OWNER	AREA	DEED REF.	ADDRESS
PARCEL 1	MARY H. CRANE	0.07 ACRES	PROB. 28958	MAIN STREET BARNSTABLE, MASS.
PARCEL 2	EERO V. KOSKI	0.38 ACRES	BK.1596 PG.99	21 GARFIELD ST. QUINCY, MASS.
PARCEL 3	EERO V. KOSKI	0.86 ACRES	BK.1596 PG.99	21 GARFIELD ST. QUINCY, MASS.
PARCEL 4	WILLIAM P. SWIFT	1.13 ACRES		BOW LANE BARNSTABLE, MASS.
PARCEL 5	OWNERS UNKNOWN	0.80 ACRES		
PARCEL 6	WILLIAM DURRELL	2.21 ACRES	BK.1458 PG.884	OLD ROUTE 132 BARNSTABLE, MASS.
PARCEL 7	OWNERS UNKNOWN	2.80 ACRES		
PARCEL 8	WILLIAM P. SWIFT	7.84 ACRES	BK.1863 PG. 83	BOW LANE BARNSTABLE, MASS.
PARCEL 9	COMM. OF MASS.	4.00 ACRES		DEPT. OF ENVIRONMENTAL MANAGEMENT 100 CAMBRIDGE ST. BOSTON, MASS.
PARCEL 10	COMM. OF MASS.	3.54 ACRES		
PARCEL 11	ALLAN F. JONES	0.93 ACRES		49 CHOLE COURT WAY BARNSTABLE, MASS.

EDWARD E. KELLEY No 23100 REGISTERED LAND SURVEYOR
COMMONWEALTH OF MASSACHUSETTS

I CERTIFY THAT THIS PLAN CONFORMS WITH THE RULES AND REGULATIONS OF THE REGISTER OF DEEDS.
MARCH 3, 1978 Edward E. Kelley
REG. LAND SURVEYOR

REC'D & ENT'D
MAY 3 2 46 PM '78
BARNSTABLE COUNTY
REGISTRY OF DEEDS
STEPHEN WEEKES
REGISTER

MUTUAL LICENSES BETWEEN THE BARNSTABLE FIRE DISTRICT

AND

TOWN OF BARNSTABLE

FOR

GOLF COURSE TEES, PATHS, WAYS AND MAINTENANCE

The undersigned JOHN C. KLIMM, Town Manager of the Town of Barnstable, New Town Hall, 367 Main Street, Hyannis, Barnstable County, Massachusetts, 02601-3907, 508-862-4610 on behalf of the Town of Barnstable (hereinafter "Town"), and the undersigned JON ERICKSON, Superintendent of the Barnstable Fire District Water Department, 1841 Phinneys Lane Lane, Barnstable, Massachusetts, 02630 (hereinafter "District"), in consideration of the mutual covenants contained herein, hereby grant mutual permission under the following terms and conditions.

1. The District and Town mutually acknowledge the existence of certain easements across the Hyannis Golf Course property owned by the Town (hereinafter "golf course") identified in Exhibit "A" hereto attached (hereinafter "easements") in favor of the District which pre-date the Town's acquisition of ownership of the golf course and the permits and rights held by the District pursuant to the easements.

2. The District and Town mutually acknowledge that the following are located on land owned by the District shown on plan recorded in Plan Book 321, Page 99: portions of the seventh tee cart path and tee box west of "Parcel 3 Article 7 dated March 1975 Eero V. Koski Parcel"; portions of the cart path on southwest side of land shown on said plan; portions of the cart path through "Parcel 11 Article 8 May 1977 Allan F. Jones"; and further acknowledge that these improvements existed and were used in their present location well prior to the Town's ownership of the golf course.

3. The District gives permission for the continued use by the Town of the encroachments described in the preceding paragraph and depicted in Exhibit "B 1 - 3" hereto attached so long as:

(a) the Town makes no further changes to the use or improvements of the tee and cart paths without the express written consent of the District;
(b) the Town provides the District with its pesticide, insecticide, fertilizer, turf management and hazardous materials storage practices;
(c) the Town has control of and continues the operation of the golf course; and
(d) the Town insures the tee and cart paths and holds the District harmless from any liability arising out of use of the tee and cart paths by the Town's invitees subject to and without waiver of the liability limitations applicable to the Town.

4. This constitutes a grant of conditional permission only given by the District to the Town for maintenance and use of the encroachments described in paragraph number 2 as

depicted in Exhibit "B 1 - 3." The Town acquires no rights in District land by reason of the conditional permission given. In the event that any of the conditions are breached, or if the District no longer controls the land or is required by outside authority to discontinue the land containing the encroachments, the permission given hereunder may be revoked by the District: provided, however, that in the event that an authority outside the control of the District requires discontinuance of the land containing the encroachments, the Town and District cooperate in seeking a permit for continued use by the Town pursuant to G. L. c. 40 § 15B before any revocation by the District.

Dated: October 10, 2007

JOHN C. KLIMM, Town Manager,
Town of Barnstable

JON ERICKSON, Superintendent
Barnstable Fire District Water Department

Board of Water Commissioners

Evelyn G. Bassett, Chair

Richard P. Carroll

David A. Jones

EXHIBIT A

BOOK 2134 PAGE 290

28975

EASEMENT

We, ALLAN F. JONES and STEPHEN C. JONES, TRUSTEES of IYANOUGH HILLS REALTY TRUST, under a Declaration of Trust dated April 10, 1974 and recorded with Barnstable County Registry of Deeds in Book 2027, Page 254, the HYANNIS CO-OPERATIVE BANK, a Massachusetts banking corporation of Barnstable (Hyannis), Barnstable County and COOLIDGE CORNER CO-OPERATIVE BANK, a Massachusetts banking corporation of Brookline, Norfolk County, holders of a mortgage from the said TRUSTEES dated April 10, 1974 and recorded with said Registry of Deeds in Book 2027, Page 265.

For consideration paid,

Grant to the BARNSTABLE FIRE DISTRICT, a municipal corporation of Barnstable, Barnstable County, Massachusetts,

With quitclaim covenants,

A perpetual easement to travel along the "Easement 30' Wide" shown on a plan entitled, "Plan of Land in Barnstable, Mass. For The Barnstable Fire District June 10, 1974 Scale 1"=100' Edward E. Kelley, Reg. Land Surveyor Cummaquid, Mass.", which plan is duly recorded with Barnstable County Registry of Deeds in Plan Book 286, Page 23, from State Highway Iyanough Road, Route 132, to land of the Grantee, including the right to bring construction equipment into its well fields for the purpose of installing, maintaining, repairing and replacing wells and for other related purposes, and a perpetual easement to install, maintain, repair and replace water mains and underground utility lines in the said "Easement 30' Wide";

Also a perpetual easement to install, maintain, repair and replace a water main or mains and underground electric utility lines in the "Traveled Way" running in a northeasterly direction from Old Route 132 to land of the Grantee as shown on a "Plan of Land In Barnstable, Mass. For The Barnstable Fire District January 17, 1974 Revised June 4, 1974 Scale 1"=100' Edward E. Kelley, Reg. Land Surveyor Cummaquid, Mass.", which said plan is duly recorded with Barnstable County Registry of Deeds, in Book 286, Page 24.

The Grantors reserve the right to relocate the said easement for travel to another location along Route 132 or Old Route 132. In the event of said relocation, the Grantors hereby agree to place the new location in a condition satisfactory for travel by the Grantee.

MYCOCK, KILROY
& GREEN
ATTORNEYS AT LAW
171 MAIN STREET
HYANNIS, MASS. 02601

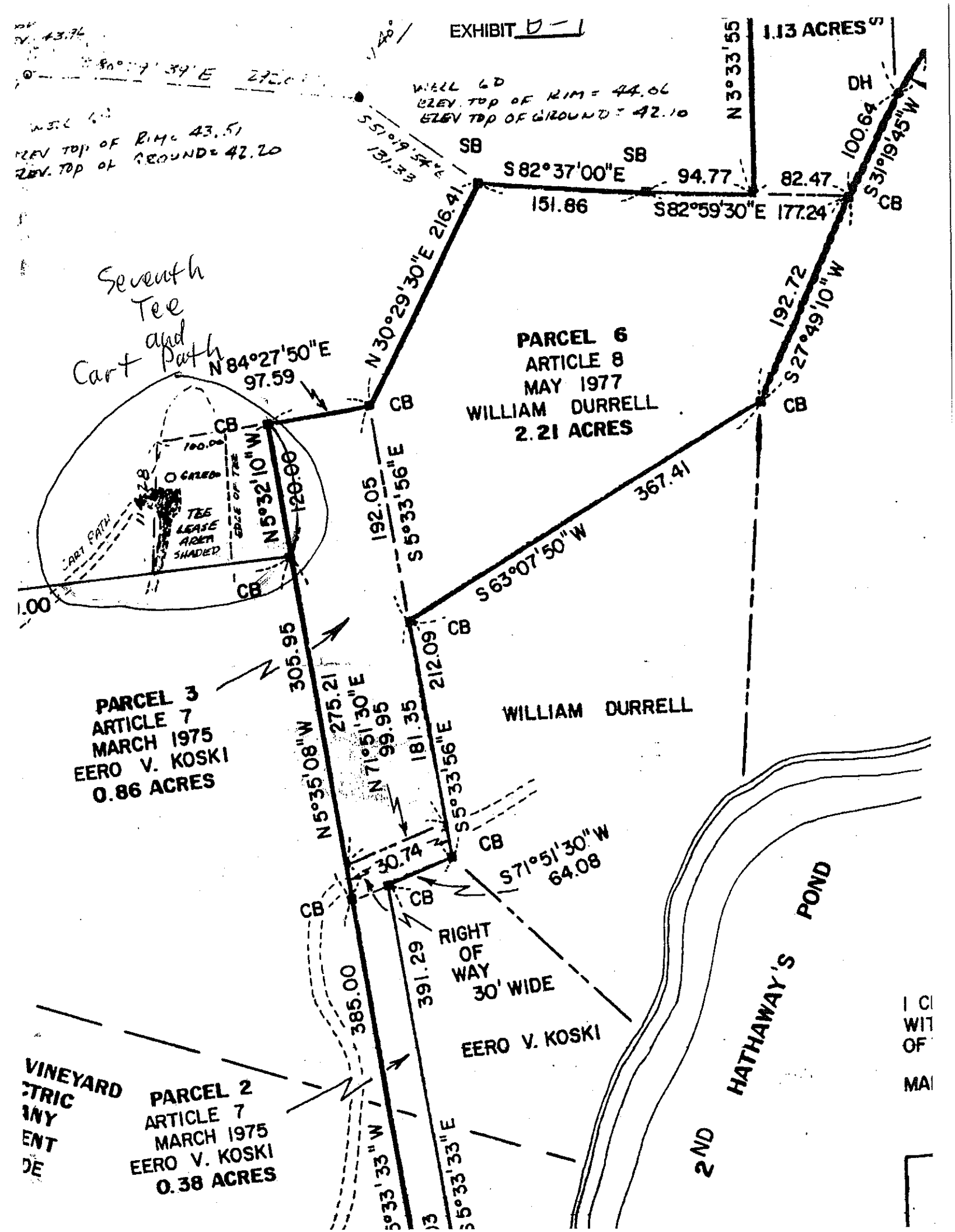
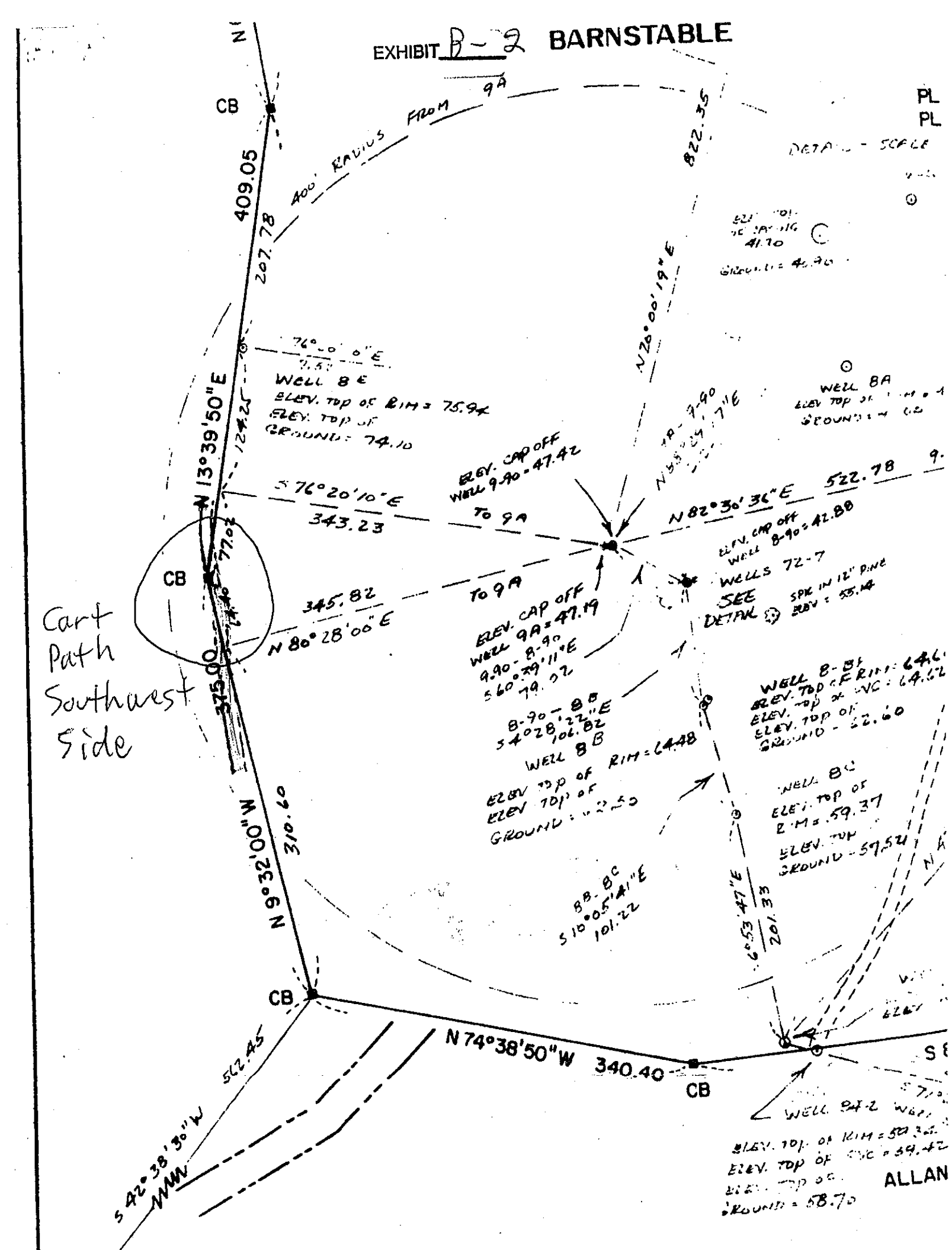
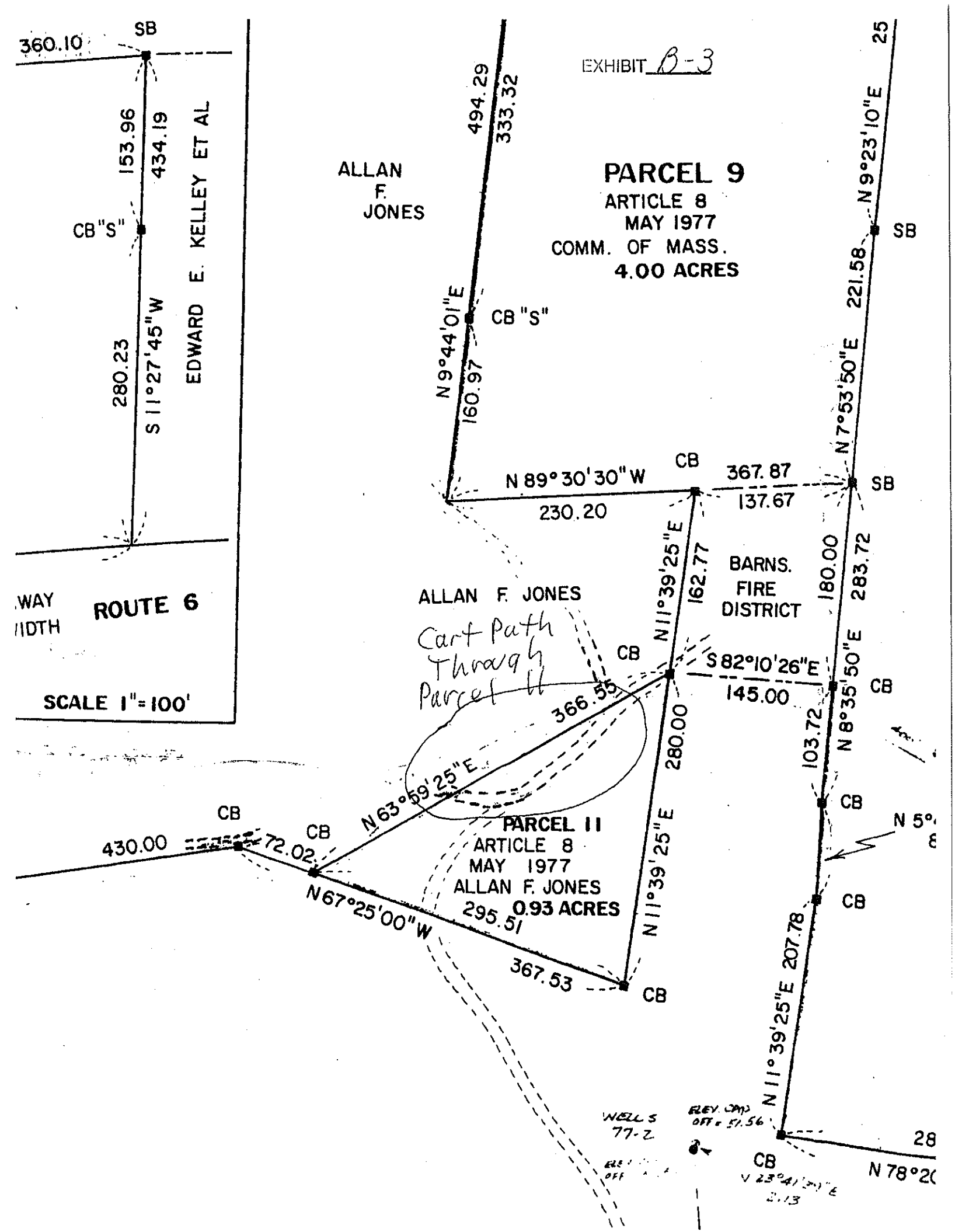

EXHIBIT D-1
1.13 ACRES
N 3°33'55"
DH
100.64
S 31°19'45" W
SB
SB
S 82°37'00" E
94.77
82.47
151.86
S 82°59'30" E 177.24
CB
N 30°29'30" E 216.41
192.72
S 27°49'10" W
Seventh Tee and Cart Path
N 84°27'50" E
97.59
PARCEL 6
ARTICLE 8
MAY 1977
WILLIAM DURRELL
2.21 ACRES
100.0
CALCD
TEE LEASE AREA SHADED
EDGE OF TEE
CART PATH
N 5°32'10" W
120.00
192.05
S 5°33'56" E
367.41
S 63°07'50" W
CB
PARCEL 3
ARTICLE 7
MARCH 1975
EERO V. KOSKI
0.86 ACRES
305.95
N 5°35'08" W
275.21
N 71°51'30" E
99.95
181.35
212.09
S 5°33'56" E
WILLIAM DURRELL
30.74
S 71°51'30" W
64.08
RIGHT OF WAY 30' WIDE
391.29
385.00
EERO V. KOSKI
PARCEL 2
ARTICLE 7
MARCH 1975
EERO V. KOSKI
0.38 ACRES
HATHAWAY'S POND
2ND

EXHIBIT B-2 BARNSTABLE




EXHIBIT B-3
PARCEL 9
ARTICLE 8
MAY 1977
COMM. OF MASS.
4.00 ACRES
ALLAN F. JONES
EDWARD E. KELLEY ET AL
ROUTE 6
SCALE 1"=100'
ALLAN F. JONES
Cart Path Through Parcel II
BARNS. FIRE DISTRICT
PARCEL 11
ARTICLE 8
MAY 1977
ALLAN F. JONES
0.93 ACRES
360.10
153.96
434.19
280.23
S 11°27'45"W
CB"S"
SB
494.29
333.32
N 9°44'01"E
160.97
CB"S"
N 89°30'30"W
230.20
CB
367.87
137.67
SB
N 9°23'10"E
221.58
N 7°53'50"E
283.72
180.00
N 8°35'50"E
103.72
N 11°39'25"E
162.77
280.00
N 11°39'25"E
207.78
S 82°10'26"E
145.00
366.55
N 63°59'25"E
430.00
72.02
N 67°25'00"W
295.51
367.53
WELL S 77-2
N 78°2(
28