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REGISTRY DISTRICT
STEPHEN WEEKS
REGISTER

N O T A N O F F I C I A L C O P Y

ORDER OF TAKING

N O T A N O F F I C I A L C O P Y

The Commonwealth of Massachusetts, acting by and through its Commissioner of Environmental Management, of 100 Cambridge Street, Boston, Massachusetts 02202, by virtue of the authority conferred by Chapter 132A, Sections 3 and 3A of the General Laws, does hereby take in fee for conservation and recreation purposes, in accordance with Chapter 79 of the General Laws, the land located in Falmouth, Barnstable County, Massachusetts, described as follows:

N O T A N O F F I C I A L C O P Y

An island bounded on all sides by the waters of Vineyard Sound, Eel Pond, Seapit River and Waquoit Bay and shown as Washburn Island on Land Court Plan No. 36365A, (Sheets 1-4), Lot 2, Barnstable County Registry of Deeds, Registered Land Section.

All of said boundaries, except the water lines, are determined by the Court to be located as shown on a plan drawn by Schofield Bros. Associates, Inc., Surveyors, dated January 1969, as modified and approved by the Court, filed in the Land Registration Office, a copy of a portion of which will be filed with the original certificate of title issued on this decree.

The land hereby registered is subject to the rights of the public in Eel Pond, Seapit River, Waquoit Bay and Vineyard sound. tidewaters of The Commonwealth.

The land hereby registered is subject to any and all rights of the public in the Tidal Ponds shown on said plan.

There is appurtenant to the land hereby registered the right to build a dike as set forth in License No. 2108 issued by The Commonwealth of Massachusetts, Board of Harbor and Land Commissioners, to Henry Bryant, dated March 3, 1898, duly recorded in Book 233, Page 152.

There is appurtenant to the land hereby registered rights over the easterly side of the land registered in Land Court Case No. 11210 as set forth in a deed given by Frederick C. Davis to Alida M. Bryant, dated July, 1897, duly recorded in Book 231, Page 308.

Being all of the same premises described in Certificate of Title No. 77128 (Parcel 2).

SUPPOSED OWNERS	CERTIFICATE
ALBERT LINCOLN WASHBURN, WASHBURN ISLAND PRESERVE LIMITED PARTNERSHIP, under an agreement to purchase	77128

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Trees and structures, if any, upon the land are included in the taking.

Excepted from the rights herein taken by the Commonwealth are all easements for wires, pipes, conduits, poles and other appurtenances for the conveyance of water, sewage, gas, oil, electricity and telephone communication now lawfully in or upon the premises hereby taken.

For damages sustained by reasons of the aforesaid taking, and in accordance with the provisions of Chapter 79, Section 6 of the General Laws, as amended, awards have been made. The right is reserved to amend the award or to increase the amount of damages to be paid at any time prior to payment thereof for good cause shown.

All names of owners herein given, although supposed to be correct, are such only as to matters of opinion and belief.

IN WITNESS WHEREOF, the Commonwealth of Massachusetts has caused these presents to be executed in its name and behalf by James Gutensohn, its Commissioner of Environmental Management, hereunto duly authorized who does hereto set his hand this 14th day of June, 1983.

THE COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

By: _____
James Gutensohn, Commissioner

Approved as to Form:

By: _____
T. David Raftery, Chief
Eminent Domain Division
Assistant Attorney General

Approved:

By: _____
Michael S. Dukakis
Governor of the Commonwealth

_____
Tunney Lee, Deputy Commissioner
Division of Capital Planning & Operations

CERTIFICATE OF VOTE

On a motion duly made and seconded, it was

VOTED: That the Board of Environmental Management, pursuant to chapter 79 of the General Laws, approves the exercise of the power of eminent domain by the Department of Environmental Management and a pro tanto award not to exceed $2,250,000 for the below described premises:

That certain parcel of land containing about 335 acres, more or less, known as Washburn Island, and being more particularly shown as Lot 2 on a certain plan entitled, "Plan of Land in Falmouth, Schofield Bros. Associates, Inc., Surveyors, January 1969, Scale 1 in. - 500 ft." on file with the Barnstable County Registry of Deeds, Registered Land Section, Plan No. 36365A, Sheets 1-4, together with all appurtenant rights thereto, including littoral, riparian, tidal, ferry, access easements, rights of way, navigational rights and other appurtenant rights as there may be. The parcel to be conveyed is further described in Certificate of Title No. 77128 (Parcel 2) on file at said Registry.

I, Sarah Bell, Secretary of the Board of Environmental Management of the Commonwealth of Massachusetts, do hereby certify that the foregoing is a true copy of a vote adopted by the Board of Environmental Management at a meeting duly called and held on April 29, 1983 quorum being present and voting; and that said vote has not been rescinded or amended.

Attest, a true copy

Sarah H. Bell

Sarah H. Bell, Secretary

Date: April 29, 1983

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C O P Y

COMMONWEALTH OF MASSACHUSETTS
TOWN OF FALMOUTH

N O T
A N
O F F I C I A L
C O P Y

CERTIFICATE OF VOTE

N O T
A N

At a meeting of the Board of Selectmen of the Town of Falmouth, a quorum being present and voting, upon motion duly made and seconded, it was:

VOTED: To approve the exercise of the power of eminent domain by the Commissioner of the Massachusetts Department of Environmental Management to acquire a certain parcel of land known as Washburn Island and further described as follows:

Lot 2 on a certain plan entitled, "Plan of Land in Falmouth, Schofield Bros. Associates, Inc." on file with the Barnstable Registry of Deeds, Registered Land Section, Plan No. 36365A, Sheets 1 - 4; also being Parcel 2 of Certificate No. 77128.

ADOPTED: by the Board of Selectmen of the Town of Falmouth this fourteenth day of April, 1983.

Heather McMurtrie
Heather McMurtrie, Chairperson

Wm. D. Jones Jr.
William D. Jones

Leonard L Costa
Leonard L. Costa

I, William H. Ashman, do hereby certify that I am the Town Clerk of the Town of Falmouth, that at a meeting of the Board of Selectmen duly called and held at 59 Town Hall Square, Falmouth on the 14th day of April, 1983, a quorum being present and voting, the aforesaid resolution was adopted.

ATTEST:
William H. Ashman
Falmouth Town Clerk

SEAL

A True Copy

ATTEST: William H. Ashman