



2023 00021000

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Recorded: 04/11/2023 02:57 PM

ATTEST: Stephen J. Murphy, Register

Suffolk County Registry of Deeds

*This space reserved for Recorder's use only***MASSACHUSETTS BAY TRANSPORTATION AUTHORITY**
**ORDER OF TAKING No. 794**  
**CITY OF BOSTON**  
**SUFFOLK COUNTY**

WHEREAS, the Massachusetts Bay Transportation Authority (the "MBTA"), a body politic and corporate and a political subdivision of the Commonwealth of Massachusetts established by General Laws, Chapter 161A, deems it necessary for the purpose of providing and extending mass transportation in said Commonwealth and for such other purposes as the MBTA may deem necessary and appropriate in connection therewith, under the power granted to the MBTA by the Massachusetts General Laws, Chapter 161A, Section 3 (o), and in accordance with the provisions of General Laws, Chapter 79, to take for and on behalf of the MBTA the fee simple interest in certain land located in the City of Boston, Suffolk County, Massachusetts, more particularly described on Exhibit A included with and made a part of this Order of Taking (this "Order") and identified as follows:

**A. Lots Taken****Title Reference**

<b>REGISTERED LAND</b>	<u>Lot</u>	<u>Square Feet ±</u>	<u>Book</u>	<u>Page</u>	<u>Registry</u>
	<u>Registered Land</u>				
	3		See Exhibit A		Suffolk
	4		See Exhibit A		Suffolk

**REGISTERED LAND**

2023 00942926

Cert #: 136779 Bk: 00679 Pg: 179

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ATTEST: Stephen J. Murphy, Register

Suffolk County Registry of Deeds

Widett Circle, 1-63 and 2-22 Foodmart Road and 100 Widett Circle, Boston, MA

6	See Exhibit A	Suffolk
9	See Exhibit A	Suffolk
10	See Exhibit A	Suffolk

Unregistered Land

One Foot Strip	See Exhibit A	Suffolk
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This Order of Taking is made together with all of the right, title and interest of New Boston Food Market Development Corp. and of Widett AC Owner LLC in and to instruments listed on Exhibit B included with and made a part of this Order, subject, however, to the rights of all other parties to such instruments, and their successors and assigns to the full extent such rights remain in force and effect as of and prior to the date and time of the Taking.

## NOW, THEREFORE:

1. The lots of land more particularly identified in Section A and Exhibit A of this Order, with the trees, structures and other improvements thereon, are hereby taken in fee simple, except as specifically set forth in this Order, together with all existing appurtenant and associated rights, easements and benefits, including access and utility rights and easements, for the purpose of providing and extending mass transportation in said Commonwealth and for such other purposes as the MBTA may deem necessary and appropriate in connection therewith.

Such taking is made under the power granted to the MBTA by the Massachusetts General Laws, Chapter 161A, Section 3(o), and by virtue of every other power thereto enabling, and is made in accordance with the requirements of General Laws, Chapter 79.

2. For damages sustained by persons and other parties in the parcels taken herein, and in accordance with the provisions of General Laws, Chapter 79, Section 6, as amended, an award has been made. The MBTA reserves the right to amend the award at any time for good cause shown.

<u>Lot</u>	<u>Supposed Owner</u>
3	New Boston Food Market Development Corp.
4	New Boston Food Market Development Corp.
9	New Boston Food Market Development Corp.
10	New Boston Food Market Development Corp.
6	Widett AC Owner LLC
One Foot Strip	Widett AC Owner LLC

IN WITNESS WHEREOF, in the name and on behalf of the MBTA, I hereto set my hand this  
5<sup>th</sup> day of April, 2023.

MASSACHUSETTS BAY TRANSPORTATION AUTHORITY



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Jeffrey D. Gonneville, Interim General Manager

LAND COURT, BOSTON. The Land  
herein described will be shown on  
our approved plan to follow as

MAR 29 2023

Plan 34549-D Lot 10  
(EXAMINED DESCRIPTION ONLY)  
CHIEF SURVEYOR SSK

### Exhibit A

## DESCRIPTION OF THE PREMISES ACQUIRED

Lots 3, 4, 9 and 10

### REGISTERED LAND

Those certain parcels of land together with the improvements thereon situated in Boston, in the County of Suffolk and Commonwealth of Massachusetts, being:

- a) Lots 3 and 4 on a plan drawn by Boston Survey Consultants, Surveyors, dated September 27, 1968, as modified and approved by the Court, filed in the Land Registration Office as Land Court Plan No. 34549-A, a copy of a portion of which is filed with Certificate of Title No. 90821; and
- b) Lot 9 on a subdivision plan drawn by BSC/Cullinan Associates, dated August 22, 1995, as modified and approved by the Court, filed in the Land Registration Office as Land Court Plan No. 34549-C, a copy of a portion of which is filed with Certificate of Title No. 110370; and
- c) Lot 10 on a plan drawn by Feldman Land Surveyors, dated September 23, 2021, as modified and approved by the Court, filed in the Land Registration Office as Land Court Plan No. 34549-D, a copy of which is filed with Certificate of Title No. \_\_\_\_\_.

Together with an Easement by Quincy Market Cold Storage and Warehouse Company to New Boston Food Market Development Corp., dated June 20, 1968, recorded with the Suffolk County Registry of Deeds in Book 8227, Page 225.

For title reference, see Certificate of Title No. 90821 filed with the Suffolk County Registry District of the Land Court.

Lot 6 and the One Foot Strip

### REGISTERED LAND

That certain parcel of land together with the improvements thereon situated in Boston, in the County of Suffolk and the Commonwealth of Massachusetts, situated on Widett Circle. Said land is shown as Lot Six (6) on a subdivision plan drawn by Boston Survey Consultants, Surveyors, dated September 27, 1968, as modified and approved by the Court, filed in the Land Registration Office as Plan No. 34549-A, a copy of a portion of which is filed with Certificate of Title No. 90823.

For title reference to Lot 6, see Deed from Art Mortgage Borrower Propco 2006-2 L.P., dated June 19, 2020, filed as Document No. 907538 with the Suffolk County Registry District of the Land Court, creating Certificate of Title 136779.

UNREGISTERED LAND:

All that strip or parcel of land, 1 foot wide, situated in the City of Boston, County of Suffolk and Commonwealth of Massachusetts, bounded and described as follows, viz:

Beginning at a concrete monument at the northeasterly corner of property of Quincy Market Cold Storage and Warehouse Company as shown on a drawing entitled, "Plan of Land in Boston, Mass., Scale – 50 Feet to an Inch, September 21, 1967, Rev. September 28, 1967, Boston Survey Consultants, 263 Summer Street, Boston, Mass."

Then S 02° 22' 29" E, by property line of Quincy Market Cold Storage and Warehouse Company, a distance of 880.00 feet to a point;

Then turning easterly N 87° 37' 58" E, a distance of 1.00 feet to a point;

Thence turning easterly, N 02° 22' 29" W, a distance of 879.92 feet to a point;

Then turning northwesterly N 77° 50' 24" W, 1.00 feet to the point of beginning.

Reference is also made to the plan of land entitled, "Plan of Land in Boston, Mass. Scale: One (1) Foot to an inch, Date: February 13, 1970," recorded with the Suffolk County Registry of Deeds in Plan Book 8367, Page 104.

For title reference to the One Foot Strip, see Deed from Art Mortgage Borrower Propco 2006-2 L.P., dated June 19, 2020, recorded with the Suffolk County Registry of Deeds in Book 63211, Page 221.

[END OF EXHIBIT A]

**Exhibit B****CONDITIONS OF THE ORDER****Lots 3, 4, 9, and 10**

This Order of Taking is made together with all of the right, title and interest of New Boston Food Market Development Corporation in and to the following encumbrances, subject, however, to the rights of all other parties to such instruments, and their successors and assigns to the full extent such rights remain in force and effect.

1. The terms and provisions of the following Licenses:

- a. No. 1361 issued by The Commonwealth of Massachusetts Board of Harbor and Land Commissioners to Roxbury Central Wharf, dated June 30, 1891, recorded in Book 2005, Page 283;
- b. No. 2646 issued by The Commonwealth of Massachusetts Board of Harbor and Land Commissioners to Roxbury Central Wharf, dated July 22, 1902, recorded in Book 2903, Page 377;
- c. No. 2647 issued by The Commonwealth of Massachusetts Board of Harbor and Land Commissioners to South Bay Wharf and Terminal Company, dated July 22, 1902, recorded in Book 2903, Page 379;
- d. No. 101 issued by The Commonwealth of Massachusetts Directors of the Port of Boston to New York, New Haven and Hartford Railroad Company, dated April 13, 1915, recorded in Book 3879, Page 265;
- e. No. 192 issued by The Commonwealth of Massachusetts Directors of the Port of Boston to New York, New Haven and Hartford Railroad Company, dated May 15, 1916, recorded in Book 3969, Page 311;
- f. No. 126 issued by The Commonwealth of Massachusetts Commission on Waterways and Public Lands to New York, New Haven and Hartford Railroad Company, dated September 25, 1917, recorded in Book 4103, Page 230;
- g. No. 189 issued by The Commonwealth of Massachusetts Department of Public Works Division of Waterways and Public Lands to New York, New Haven and Hartford Railroad Company, dated November 16, 1921, recorded in Book 4332, Page 301; and
- h. No. 5071 issued by The Commonwealth of Massachusetts Department of Public

Works to new Boston Food Market Development Corporation, dated June 1, 1966, recorded in Book 8061, Page 331, as affected by:

- i. a Certificate by the Boston Redevelopment Authority, dated December 11, 1967, recorded in Book 8169, Page 394, as affected by the Certificate by the Boston Redevelopment Authority, dated June 28, 1968, recorded in Book 8216, Page 615;
  - ii. the Certificate of Completion by the Boston Redevelopment Authority, dated February 3, 1970, recorded in Book 8343, Page 244; and
  - iii. the Certification by New Boston Food Market Development Corp., dated February 5, 1970, recorded in Book 8343, Page 246.
2. An Order of Taking by the Commonwealth of Massachusetts Department of Public Works, dated August 11, 1965, recorded in Book 7974, Page 156.
  3. Certain track easement and passway rights set forth and reserved in a grant by the Trustees of the property of The New York, New Haven and Hartford Railroad Company to New Boston Food Market Development Corp., dated March 25, 1966, recorded in Book 8028, Page 646.
  4. An Order of Conditions issued by The Commonwealth of Massachusetts Department of Natural Resources, File No. DF-204, recorded in Book 8156, Page 370.
  5. An easement by New Boston Food Market Development Corp. to Boston Edison Company, dated October 21, 1968, recorded in Book 8238, Page 171.
  6. A taking by the Public Improvement Commission of the City of Boston, dated January 16, 1969, recorded in Book 8262, Page 318.
  7. An easement by New Boston Food Market Development Corp. to Boston Gas Company, dated December 10, 1968, recorded in Book 8263, Page 315, see also plan recorded in Plan Book 8238, Page 171.
  8. An easement by New Boston Food Market Development Corp. to Boston Edison Company, dated January 5, 1971, recorded in Book 8418, Page 457.
  9. A Grant of Easement and Easement Agreement by and between New Boston Food Market Development Corp. and the Boston Water and Sewer Commission, dated April 9, 1984, recorded and filed in Book 11012, Page 68 and Document No. 400181, see also plan recorded in Plan Book 11011, Page 337. See also the following documents to which this taking has the benefit of and to which it is made subject:

- a. Consent to Easement by and between the Boston Water and Sewer Commission and National Railroad Passenger Corporation, dated May 22, 1984, recorded in Book 11012, Page 51;
  - b. Consent to Grant of Easements by and between the Boston Water and Sewer Commission and Boston Edison Company, dated May 11, 1984, recorded in Book 11012, Page 57; and
  - c. Consent and Easement by and between the Boston Water and Sewer Commission and Boston Gas Company, dated March 28, 1984, recorded in Book 11012, Page 63.
- 10. A Sewer Easement granted pursuant to Grant of Easement and Easement Agreement by and between New Boston Food Market Development Corporation and the Boston Water and Sewer Commission, dated February 5, 1985, filed as Document No. 389639.
- 11. An Order of Taking MBTA No. 390 by the Board of Directors of the Massachusetts Bay Transportation Authority, dated July 26, 1989, filed as Document No. 455308.
- 12. Easements set forth in Layout No. 6971 and Order of Taking by the Commonwealth of Massachusetts Department of Highways, dated March 16, 1993, filed as Document No. 497690.
- 13. A Grant of Easement by New Boston Food Market Development Corp. to Boston Gas Company, dated November 5, 1993, recorded in Book 18937, Page 146.
- 14. An Easement by New Boston Food Market Development Corporation to Boston Edison Company, undated 2001, recorded in Book 27047, Page 33.
- 15. A Rooftop Easement and Assignment Agreement by and between New Boston Food Market Development Corp. and TI Unison Site Management LLC, dated December 18, 2006, recorded in Book 41059, Page 108.
- 16. The terms and provisions of a Lease by and between New Boston Food Market Development Corp., as Lessor, and New England Wireless Site Management, LLC, as Lessee, dated April 30, 2009, a Notice of which is recorded in Book 45239, Page 204, as affected by:
  - a. The Purchase and Sale of Lease and Successor Lease by and between New England Wireless Site Management, LLC and AP Wireless Investments I, LLC, dated August 31, 2012, a Memorandum of which is recorded in Book 50318, Page 121;
  - b. A Mortgage, Fixture Filing and Assignment of Leases and Rents by AP Wireless



Investments I, LLC to Deutsche Bank Trust Company Americas, dated December 20, 2012, recorded in Book 51336, Page 324;

- c. A Mortgage, Fixture Filing and Assignment of Leases and Rents by AP Wireless Investments I, LLC to Deutsche Bank Trust Company Americas, dated August 12, 2014, recorded in Book 53378, Page 235;
  - d. The terms and provisions of a Sublease Agreement by and between New England Wireless Site Management LLC, as Lessor, and MetroPCS Massachusetts LLC, as Lessee, dated May 26, 2009, a Notice of which is recorded in Book 45239, Page 201;
  - e. The Purchase and Sale of Lease and Successor Lease by and between New England Wireless Site Management, LLC and AP Wireless Investments I, LLC, dated August 31, 2012, a Memorandum of which is recorded in Book 50318, Page 121; and
  - f. The terms and provisions of a Lease by and between New Boston Food Market Development Corp. and New England Wireless Site Management, LLC, dated April 30, 2009, commencing on June 2, 2009, a Notice of which is recorded in Book 50318, Page 129.
17. The terms and provisions of a Future Payment Agreement by and between NBFM 23 Nominee Trust and New Boston Food Market Development Agreement dated as of April 10, 2023 recorded and filed prior to this Order.

Lot 6 and One Foot Strip

This Order is made together with all of the right, title and interest of Widett AC Owner LLC in and to the following encumbrances, subject, however, to the rights of all other parties to such instruments, and their successors and assigns to the full extent such rights remain in force and effect.

- 1. The terms and provisions of the following Licenses:
  - a. No. 1361 issued by The Commonwealth of Massachusetts Board of Harbor and Land Commissioners to Roxbury Central Wharf, dated June 30, 1891, recorded in Book 2005, Page 283;
  - b. No. 2646 issued by The Commonwealth of Massachusetts Board of Harbor and Land Commissioners to Roxbury Central Wharf, dated July 22, 1902, recorded in Book 2903, Page 377;
  - c. No. 2647 issued by The Commonwealth of Massachusetts Board of Harbor and Land Commissioners to South Bay Wharf and Terminal Company, dated

July 22, 1902, recorded in Book 2903, Page 379;

- d. No. 101 issued by The Commonwealth of Massachusetts Directors of the Port of Boston to New York, New Haven and Hartford Railroad Company, dated April 13, 1915, recorded in Book 3879, Page 265; and
  - e. No. 192 issued by The Commonwealth of Massachusetts Directors of the Port of Boston to New York, New Haven and Hartford Railroad Company, dated May 15, 1916, recorded in Book 3969, Page 311;
  - f. No. 126 issued by The Commonwealth of Massachusetts Commission on Waterways and Public Lands to New York, New Haven and Hartford Railroad Company, dated September 25, 1917, recorded in Book 4103, Page 230;
  - g. No. 189 issued by The Commonwealth of Massachusetts Department of Public Works Division of Waterways and Public Lands to New York, New Haven and Hartford Railroad Company, dated November 16, 1921, recorded in Book 4332, Page 301; and
  - h. Terms and provisions of License No. 5071 issued by The Commonwealth of Massachusetts Department of Public Works to new Boston Food Market Development Corporation, dated June 1, 1966, recorded in Book 8061, Page 331, as affected by:
    - i. a Certificate by the Boston Redevelopment Authority, dated December 11, 1967, recorded in Book 8169, Page 394;
    - ii. the Certificate by the Boston Redevelopment Authority, dated June 28, 1968, recorded in Book 8216, Page 615;
    - iii. the Certificate of Completion by the Boston Redevelopment Authority, dated February 3, 1970, recorded in Book 8343, Page 244; and
    - iv. the Certification by New Boston Food Market Development Corp., dated February 5, 1970, recorded in Book 8343, Page 246.
2. A taking by the City of Boston for sewerage purposes, approved by the Street Commissioners on August 2, 1916, recorded in Book 3975, Page 134.
  3. An Order of Taking by the Commonwealth of Massachusetts Department of Public Works, dated August 11, 1965, recorded in Book 7974, Page 156; as affected by the partial abandonment of easement by the Commonwealth of Massachusetts Department of Public Works, dated November 11, 1971, recorded in Book 8495, Page 461.

4. Track easement and passway rights set forth and reserved in a grant by the Trustees of the property of The New York, New Haven and Hartford Railroad Company to New Boston Food Market Development Corp., dated March 25, 1966, recorded in Book 8028, Page 646.
5. A Grant of Easement by Americold Corporation to The National Railroad Passenger Corporation, dated November 17, 2000, recorded in Book 25633, Page 273.
6. A Grant of Easement by Americold Real Estate, L.P. to The National Railroad Passenger Corporation, dated April 5, 2001, filed as Document No. 614787.
7. The terms and provisions of the Future Payment Agreement by and between Art Mortgage Borrower Propco 2006-2 L.P. and Widett AC Owner LLC, dated June 19, 2020, a Memorandum of which is recorded in Book 63219, Page 163 and filed as Document No. 907540.

[END OF EXHIBIT B]