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**THE COMMONWEALTH OF MASSACHUSETTS**

WORCESTER, ss.

June 14, 2019

**WORCESTER REDEVELOPMENT AUTHORITY****ORDER OF TAKING**

WHEREAS, the Worcester Redevelopment Authority (hereinafter called the "Authority") is a public body and corporate, duly organized and existing pursuant to the provisions of Chapter 121B of the Massachusetts General Laws (Chapter 121B), with offices at City Hall, 4<sup>th</sup> Floor, 455 Main Street, Worcester, Massachusetts 01608; and

WHEREAS, the Authority, in pursuance of its powers as set forth in Chapter 121B and every other power thereunto enabling, has, after a public hearing duly held after the required notice, determined that the area within the City of Worcester known and referred to as the Downtown Urban Revitalization Area, as amended, (hereinafter referred to as the "Project Area") constitutes a decadent area and an open blighted area as defined in Section 1 of Chapter 121B, and has further determined that an urban renewal project for the Project Area ought to be undertaken in said City; and

WHEREAS, the Authority has approved and adopted the Downtown Urban Revitalization Plan, and associated amendments thereto, as defined in Chapter 121B for the redevelopment of the Project Area, including right-of-way adjustments (said plan and amendments being hereinafter referred to as the Plan); and

WHEREAS, the Plan has been duly approved by the Worcester City Council, the Planning Board of the City has made appropriate findings in connection with the Plan, and the Commonwealth of Massachusetts' Department of Housing and Community Development has made certain findings required by law and has duly approved the Plan; and

WHEREAS, the Authority has identified properties within the Project Area for acquisition under the Plan; and

WHEREAS, the Authority has made every reasonable effort to acquire the identified properties by negotiated purchase from the affected owners; and

WHEREAS, in carrying out such negotiations, the Authority has determined that the eminent domain taking of the properties is necessary and reasonably required to carry out the purposes of Chapter 121B and the Plan; and

WHEREAS, security has been provided for the payment of such damages as may be awarded to the owner of properties and other parties having an interest in the property, as required by the provisions of Massachusetts General Laws Chapter 79, Section 40;

NOW, THEREFORE, it is ORDERED that the WORCESTER REDEVELOPMENT AUTHORITY, acting under the provisions of Section 11(d) of Chapter 121B, and all other

authority thereunto enabling, and pursuant to the applicable provisions of Massachusetts General Laws, Chapter 79, as amended, and of any and every power and authority to it, granted or implied, hereby takes for itself in fee simple by eminent domain for the purposes hereinbefore set forth, all those parcels of land together with the improvements thereon (collectively, the "Premises") located in Worcester, Massachusetts and more particularly identified as follows:

1. 2 Plymouth Street, being all of the land together with the improvements thereon described in a deed from Joseph J. Bafaro to Bafaro Realty Company LLC, dated December 26, 2016 and recorded with the Worcester District Registry of Deeds (hereinafter referred to as the "Worcester Registry") in Book 56598, Page 247.
2. 85 Green Street, being all of the land together with the improvements thereon described in a deed from General Wholesale Co., Inc. to Karen J. Marzelli, Trustee of 85 Green Street Trust, dated April 30, 1982 and recorded with the Worcester Registry in Book 7459, Page 302.
3. 90 Washington Street, being all of the land together with the improvements thereon described in a deed from Table Talk Realty Company Limited Partnership to Herbert R. Rasnick and Joseph J. Bafaro, Trustees of 85 Green Street Trust, dated June 15, 1989 and recorded with the Worcester Registry in Book 12167, Page 74.
4. 5 Gold Street, being all of the land together with the improvements thereon described in a deed from Farjola Anina, Trustee of the Five Gold Street Trust to Mercy Adomaa, dated June 28, 2005 and recorded with the Worcester Registry in Book 37214, Page 73.
5. 7 Gold Street, being all of the land together with the improvements thereon described in a deed from George H. Mongeau and Marie T. Mongeau to Joseph J. Bafaro, dated July 12, 1979 and recorded with the Worcester Registry in Book 6792, Page 115.
6. 8 Gold Street, Worcester, Massachusetts, 01608, being all of the land together with the improvements thereon described in a deed from Richard J. Shedd, individually and as Executor of the Estate of Rosalie Haveisen, a/k/a Rosalie Hausen, to Herbert S. Rasnick and Joseph J. Bafaro, Trustees of 85 Green Street Trust, dated July 9, 1990 and recorded with the Worcester Registry in Book 12884, Page 155.

Said takings are made in fee simple, and, except as specifically set forth in this Order, are made together with any and all easements and appurtenant rights, including trees, buildings, and other structures standing upon or affixed thereto and including the interests, if any, of the owners in all public streets, highways, and public ways within or adjacent to the Premises. Excepting from the rights herein taken are the rights of the owner of Tract 2 shown on a plan recorded with the Worcester Registry in Plan Book 414, Plan 40 within any portion of the Premises, and the rights of others in party walls and foundations and any and all easements for wires, pipes, conduits, poles, and other appurtenances for the conveyance of water, sewerage, gas, oil, steam, electricity, and telephone communication and other utilities now lawfully in or upon the Premises.

The owners of the Premises are believed to be as follows:

1. 2 Plymouth Street, Worcester, owned by Bafaro Realty Company LLC.
2. 85 Green Street, Worcester, owned by Herbert R. Rasnick and Joseph J. Bafaro (a/k/a Joseph Bafaro), Trustees of 85 Green Street Trust under a Declaration of Trust dated April 29, 1982 and recorded with the Worcester Registry in Book 7459, Page 295 (appointment as Trustees recorded with the Worcester Registry in Book 8900, Page 396).
3. 90 Washington Street, Worcester, owned by Herbert R. Rasnick and Joseph J. Bafaro, Trustees of 85 Green Street Trust.
4. 5 Gold Street, Worcester, owned by Joseph J. Bafaro.
5. 7 Gold Street, Worcester, owned by Joseph J. Bafaro.
6. 8 Gold Street, Worcester, owned by Herbert S. Rasnick and Joseph J. Bafaro, Trustees of 85 Green Street Trust.

Although presumed to be correct, the owners of the properties hereby acquired are only to the extent of the Authority's opinion and belief.

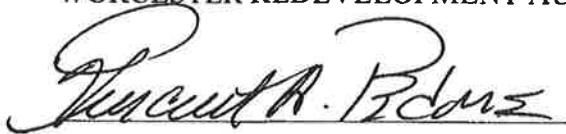
AND FURTHER ORDERED that, in accordance with the provisions of Massachusetts General Laws, Chapter 79, Section 6, as amended, an award of \$5,800,000 is made by the Authority for damages sustained by the owners of the Premises and all other persons, including all mortgagees of record, having any and all interest in the Premises taken and entitled to any damages by reason of the taking hereby made. Upon payment the award shall include taxes legally owed by the Authority to the City of Worcester pursuant to M.G.L. c. 79, §12 and any interest accruing between the date of taking and the date of payment. The Authority reserves the right to amend the award at any time prior to payment for good cause shown.

AND FURTHER ORDERED that the Chief Executive Officer of the Authority shall cause this Order of Taking to be recorded with the Worcester Registry, in Worcester, and shall notify the Treasurer's Office and City Assessor in the City of Worcester of the taking in accordance with M.G.L. c. 79, §7F.

IN WITNESS WHEREOF, I, Vincent A. Pedone, being duly authorized, have caused the corporate seal of the Authority to be hereto affixed and this Order of Taking to be signed in the name and on behalf of the Authority.

DATED at Worcester, Massachusetts this 14th day of June 2019

WORCESTER REDEVELOPMENT AUTHORITY



Vincent A. Pedone  
Chairman

(SEAL)

ATTEST:

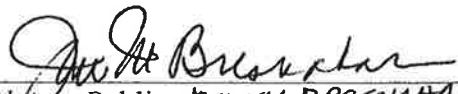
By  \_\_\_\_\_

Michael E. Traynor, Esq.  
Chief Executive Officer

THE COMMONWEALTH OF MASSACHUSETTS

Worcester, ss.

On this 14<sup>th</sup> day of June, 2019, before me, the undersigned notary public, personally appeared Vincent A. Pedone, Chairman of the Worcester Redevelopment Authority, personally known to me to be the person who signed his name on the preceding Order of Taking my presence, and acknowledged to me that he signed it voluntarily as the free act and deed of the Worcester Redevelopment Authority, and for its stated purpose.

  
Notary Public JANE M. BRESNAHAN  
My Commission Expires: 06/06/2025



## CERTIFICATE

I, Michael E. Traynor, Chief Executive Officer of the WORCESTER REDEVELOPMENT AUTHORITY (the "Authority"), do hereby certify that at a special meeting of the Authority duly called and held on June 14, 2019 in Worcester, Massachusetts, at which a quorum was present and acting throughout, the following vote was duly adopted:

**VOTED:** THAT the Worcester Redevelopment Authority, by and through this resolution, hereby determines and certifies: that the list of properties below describes properties proposed to be acquired by the Authority for the purposes set forth in the Downtown Urban Revitalization Plan, and associated amendments thereto (the "Plan"); that offers to acquire the properties have been made to the owners for the acquisition of the properties in accordance with 760 CMR 12.04(2); that the taking in fee simple of the properties is necessary and reasonably required in order to carry out the purposes set forth in the Plan and M.G.L. c.121B, § 48; that the properties have been inspected and ascertained to be in conformance with the properties as appraised in accordance with 760 CMR 12.04(1); and that security has been provided for the payment of all damages and costs which may be awarded either by the Authority or a court of competent jurisdiction in accordance with M.G.L. c. 79, §40.

NOW THEREFORE, the Authority, by and through this resolution, hereby: approves the offers made to the owners of the below-listed properties in accordance with 760 CMR 12.04(2); authorizes Vincent A. Pedone, Chairman to accept confirmatory deeds for such properties; authorizes Vincent A. Pedone, Chairman, to execute an Order of Taking of such properties in a form substantially presented herewith; authorizes the Chief Executive Officer of the Authority to record the Order of Taking in the Worcester District Registry of Deeds; awards total damages in the amount of \$5,800,000 for the acquisition consistent with this vote, plus taxes legally owed to the City of Worcester pursuant to M.G.L. c. 79, §12 as a result of the takings; and authorizes the Chief Executive Officer of the Authority to make payments of the damages, together with interest earned thereon as required by M.G.L. c. 79, §37 to those entitled thereto in accordance with state law:

1. 2 Plymouth Street, Worcester, owned by Bafaro Realty Company LLC.
2. 85 Green Street, Worcester, owned by Herbert R. Rasnick and Joseph J. Bafaro (a/k/a Joseph Bafaro), Trustees of 85 Green Street Trust.
3. 90 Washington Street, Worcester, owned by Herbert R. Rasnick and Joseph J. Bafaro, Trustees of 85 Green Street Trust.
4. 5 Gold Street, Worcester, owned by Joseph J. Bafaro.


5. 7 Gold Street, Worcester, owned by Joseph J. Bafaro.
6. 8 Gold Street, Worcester, owned by Herbert S. Rasnick and Joseph J. Bafaro, Trustees of 85 Green Street Trust.

The Authority further certifies and states that the Chief Executive Officer may delegate the authority granted by this resolution, in whole or in part, to staff or agents of the Authority, as he may deem appropriate.

I do further certify that on the date hereof, the duly appointed, qualified and acting members of the Worcester Redevelopment Authority were and are Vincent A. Pedone, David Minasian, Jennifer Gaskins and Michael P. Angelini.

WITNESS my hand and seal of the Worcester Redevelopment Authority this 14<sup>th</sup> day of June, 2019.

(SEAL)

  
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Michael E. Traynor, Esq.  
Chief Executive Officer  
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