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COMMONWEALTH OF MASSACHUSETTS

Berkshire, ss.

TOWN OF CLARKSBURG

ORDER OF TAKING

At a regular meeting of the Board of Selectmen within and for the Town of Clarksburg, Massachusetts, begun and holden at said Clarksburg on the 16th day of January, 1980.

WHEREAS, public convenience and necessity requires the taking of certain outstanding water rights now held by members of the public permitting them to install pipes and take water from the Red Mills Spring, so-called, located on River Road in said Clarksburg, the taking of which rights is necessary for municipal purposes, namely, the construction of a public water supply system to serve a certain definite area of the Town, and

WHEREAS, the Town, at a Town Meeting on August 30, 1979 voted to authorize the Selectmen to purchase or take by eminent domain proceedings all existing rights that may be held by anyone authorizing them to take water from the said Red Mills Spring, and

WHEREAS, all preliminary requirements prescribed by law have been complied with,

NOW, THEREFORE, IT IS HEREBY ORDERED by the Board of Selectmen of the Town of Clarksburg, Massachusetts that the following described water rights be, and are hereby, taken under and by virtue of the provisions of Chapter 79 of the General Laws (Ter. Ed.), as amended, and of every other power and authority to us hereto in any way enabling, for the purpose of constructing a public water supply system to serve a certain definite area of the Town:-

1. The right of JOHN E. NYE and GLORIA J. NYE to take water

from the said Red Mills Spring as described in deed to them recorded in Book 640, Page 158 in the Northern Berkshire Registry of Deeds.

2. The right of STRONG HEWAT & CO., or its successors or assigns, to take water from the said Red Mills Spring as described in deed to it recorded in Book 346, Page 181 in the Northern Berkshire Registry of Deeds.

3. The right of LAWRENCE N. EDDY and VIOLET EDDY to take water from the said Red Mills Spring as described in deed to them recorded in Book 506, Page 400 in the Northern Berkshire Registry of Deeds.

4. The right of RALPH L. HUNTER and MARGIE V. HUNTER to take water from the said Red Mills Spring as described in deed to them recorded in Book 691, Page 998 in the Northern Berkshire Registry of Deeds.

5. The right of DUNCAN ROSS and MARY ROSS to take water from the said Red Mills Spring as described in deed to them recorded in Book 460, Page 348 in the Northern Berkshire Registry of Deeds.

6. The right of ARNOLD WITTO and NAN WITTO to take water from the said Red Mills Spring as described in deed to them recorded in Book 477, Page 217 in the Northern Berkshire Registry of Deeds.

7. The right of RAYMOND R. GREEN, JR. and DEBRA A. GREEN to take water from the said Red Mills Spring as described in deed to them recorded in Book 641, Page 154 in the Northern Berkshire Registry of Deeds.

8. The right of ERNEST KITTLER and EVELYN KITTLER to take water from the said Red Mills Spring as described in deed to them recorded in Book 477, Page 215 in the Northern Berkshire Registry of Deeds.

9. The right of GEORGE R. CARSON and ALICE L. CARSON, or their heirs or assigns, to take water from the said Red Mills Spring as described in deed to them recorded in Book 546, Page 136 in the Northern Berkshire Registry of Deeds.

10. The right of WILLIAM W. CARSON and MIRIAM A. CARSON, or their heirs or assigns, to take water from the said Red Mills Spring as described in deed to them recorded in Book 546, Page 137 in the Northern Berkshire Registry of Deeds.

11. The right of NORTH ADAMS COUNTRY CLUB to take water from the said Red Mills Spring as described in Water Agreement to it recorded in Book 507, Page 323 in the Northern Berkshire Registry of Deeds.

12. The right of WILLIAM J. LaPLANTE and HARRIET E. LaPLANTE, or their heirs or assigns, to take water from the said Red Mills Spring as described in deed to them recorded in Book 546, Page 138 in the Northern Berkshire Registry of Deeds.

13. The right of GEORGE W. CARSON to take water from the said Red Mills Spring as described in deed to him recorded in Book 551, Page 108 in the Northern Berkshire Registry of Deeds.

14. The right of AUGUSTUS H. WALDEN, JR. and MARY C. WALDEN to take water from the said Red Mills Spring as described in deed to them recorded in Book 551, Page 109 in the Northern Berkshire Registry of Deeds.

15. The rights of any and all other persons to take water from said Red Mills Spring and that may be outstanding at the present time.

AND IT IS FURTHER ORDERED that no damages be awarded to any of the above-named persons whether known or unknown because up to the present time the Spring has been condemned for drinking water purposes and the above-named persons could be deprived of the use of said Spring by the health authorities but the Town is at the present time engaged in the construction of new water lines and new housing and chlorinating equipment to protect the waters of said Spring and upon the completion of said work, a Water District will be established which will assure the above-named users of a clean and adequate supply of said water and will therefore increase the values of their properties due to the fact that they will be receiving water from a public water supply system rather than the present situation where no one seems to be responsible for the safety of the Spring.

We have acted with respect to the supposed owners of the land or property hereby taken as of the date of this Order, but if the names of the owners are not correctly stated, it is to be understood that the land referred to is owned by owner or owners unknown to us, and in such case, or in case any person or persons other than the supposed owners as hereinbefore named, has any right, title or interest in or to any of the said land or property, our determination of any awards is made with respect to the lawful owner or all of the lawful owners of the said land or property or interests, and to all persons having any right, title or interest therein as their respective interests may appear.

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WITNESS our hands, and the seal of the Town, at Clarksburg, this 16th day of January, 1980.

Fred McCauley Jr.

Carlton A. Smith

Shirley M. Cahoon

Selectmen of the Town of Clarksburg

Barbara M. Perry
Town Clerk

Received & entered for record
January 21 1980 at 11 H 21 M A M