



2024 00060183

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Recorded: 09/27/2024 09:54 AM

ATTEST: Stephen J. Murphy, Register
Suffolk County Registry of Deeds

ORDER OF TAKING

The Commonwealth of Massachusetts (the "Commonwealth"), acting by and through Maura T. Healey, Governor of the Commonwealth, under the authority and in pursuance of Section 2 of the Massachusetts General Laws Chapter 79, as amended, and of any and every other power and authority to her granted or implied, including but not limited to Section 2A of the Massachusetts General Laws Chapter 17, has deemed that public necessity and interest require that the Commonwealth should take charge of and take by eminent domain the fee interest in that certain property commonly known as 253 Washington Street, 736 Cambridge Street a/k/a 261 Washington Street, and 45 Nevins Street, all in the City of Boston (Brighton district), Massachusetts 02135 (collectively, the "Property"), as more particularly described in that certain Quitclaim Deed dated September 3, 2024 and recorded with the Suffolk County Registry of Deeds (the "Registry") in Book 70567, Page 138, and as further described in Exhibit A attached hereto and made a part hereof, for the purposes of maintaining a hospital and related health care facilities at and on the Property for continuity of care to the public. The supposed owner of the Property is Saint Elizabeth LLC, a Delaware limited liability company ("SE LLC"). SE LLC's failure to enter an agreement to transfer the Property in connection with the bankruptcy of Steward Health Care System LLC, a Delaware limited liability company, and its affiliated debtors, see In re: Steward Health Care System LLC et al., Case No. 24-90213 (S.D. Tex. Bankr.), so that it is controlled by an experienced, suitable operator has created a public health emergency that is detrimental to the citizens of the Commonwealth, as the closure of the hospital and health care facilities on the Property would endanger the lives and health of patients.

Without limiting the provisions of the foregoing, said taking includes all trees, bushes, vegetation, roadway improvements and all structures, if any, located at, on or under the Property, including but not limited to, structures for the collection of storm drainage and sewerage, but not including wires, cables, poles, towers, pipes, conduits and other appurtenances for the conveyance of gas, electricity, cable television or telephone communication located in, under or upon the Property.

Said taking also includes (i) all mortgages of record, including without limitation that certain Mortgage, Assignment of Leases and Rents, Security Agreement and Fixture Filing dated as of March 14, 2022 and recorded with the Registry in Book 67358, Page 202, as affected by that certain Assignment of Mortgage, Assignment of Leases and Rents, Security Agreement and Fixture Filing dated as of April 30, 2024 and recorded with the Registry in Book 70149, Page 67,

Property Address: 253 Washington Street, Brighton, MA 02135, 736 Cambridge Street a/k/a 261 Washington Street, Brighton, MA 02135 and 45 Nevins Street, Brighton, MA

as further affected by an Assignment of Mortgage, Assignment of Leases and Rents, Security Agreement and Fixture Filing dated June 28, 2024 and recorded in Book 70407, Page 163, and (ii) that certain Assignment of Rents and Leases dated October 3, 2016 and recorded with the Registry in Book 56898, Page 249, as further affected by an Amendment to Assignment of Rents and Leases, dated September 29, 2017, recorded in Book 58711, Page 319, as further affected by a Second Amendment to Assignment of Rents and Leases, dated June 27, 2018, recorded in Book 60021, Page 138, as further affected by a Third Amendment to Assignment of Rents and Leases, dated April 30, 2019, recorded in Book 61304, Page 132 and in Book 61306, Page 48, as amended and restated by an Amended and Restated Assignment of Rents and Leases dated as of March 14, 2022, and recorded in Book 67358, Page 176, (iii) that certain Master Lease II, as evidenced by a Memorandum of Master Lease Agreement, dated as of March 14, 2022, and recorded in Book 67358, Page 168 and (iv) that certain Subordination, Non-Disturbance and Attornment Agreement (Master Lease II) dated as of March 14, 2022 and recorded in Book 67358, Page 230.

Excepted from the fee interest herein taken by the Commonwealth are all easements for wires, pipes, conduits, poles and other appurtenances for the conveyance of water, sewer, gas, oil, electricity and telephone communication now lawfully in or upon the Property and all other matters of record except as otherwise set forth herein.

No betterments are to be assessed under this Taking.

For damages sustained by the following owner by reasons of the aforesaid taking, and in accordance with the provisions of Massachusetts General Laws Chapter 79, Section 6 as amended, an award is made. The Commonwealth reserves the right to amend the award at any time prior to the payment thereof for good cause shown.

Supposed Owner

Saint Elizabeth LLC

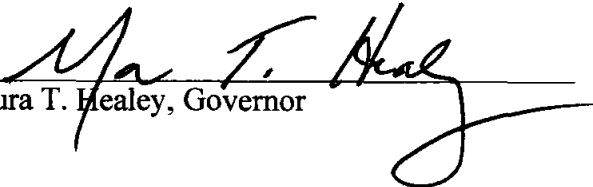
All names of owners herein given, although supposed to be correct, are such only as to matter of opinion and belief.

A representative of the Commonwealth shall record this Order of Taking in the Registry within thirty (30) days from its final adoption, and shall cause notice of the taking to be given to all persons entitled thereto and do all things necessary for the validity of this Order of Taking.

[Signature to appear on next page.]

IN WITNESS WHEREOF, I, Maura T. Healey, Governor of the Commonwealth of Massachusetts, have executed this Order of Taking this 26th day of September, 2024.

THE COMMONWEALTH OF MASSACHUSETTS


Maura T. Healey, Governor

COMMONWEALTH OF MASSACHUSETTS
COUNTY OF SUFFOLK

On this 26th day of September, 2024, before me, the undersigned Notary Public, personally appeared Maura T. Healey, Governor of the Commonwealth of Massachusetts, proved to me through satisfactory evidence of identification, which was personal knowledge, to be the person whose name is signed on the preceding or attached document and acknowledged to me that she signed it voluntarily for its stated purpose as the Governor of the Commonwealth of Massachusetts.


Notary Public
My Commission Expires: 4/19/30

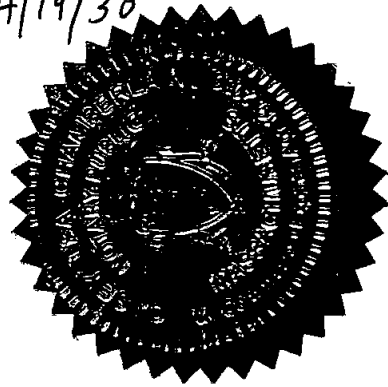
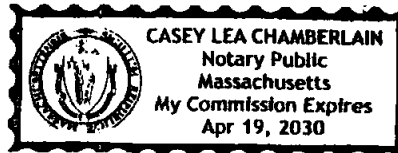


Exhibit A
Legal Description

Parcel I (253 Washington Street)

A certain parcel of land with all buildings, facilities, and improvements now and hereafter thereon, situate in Boston (Brighton District) Suffolk County, Massachusetts, the same being shown as "**Parcel 1**" on a plan entitled "Subdivision Plan of Land in Boston, Mass. Brighton District – Suffolk County", scale 1 inch = 40 feet, dated August 20, 1982, drawn by Miller & Nylander Co., recorded in the Suffolk County Registry of Deeds at the end of Book 10075, bounded and described as follows:

WESTERLY	by Washington Street, 273.88 feet;
NORTHWESTERLY	by Parcel 2 shown on said plan, 100.00 feet;
WESTERLY	by Parcel 2 shown on said plan, 53.66 feet;
NORTHWESTERLY	by Parcel 2 shown on said plan, 90.00 feet;
NORTHERLY	by Parcel 2 shown on said plan, 16.94 feet;
NORTHWESTERLY	by Parcel 2 shown on said plan, 64.40 feet;
NORTHEASTERLY	by Parcel 2 shown on said plan, 101.19 feet;
NORTHWESTERLY	by Parcel 2 shown on said plan, 84.22 feet;
NORTHEASTERLY	by Parcel 2 shown on said plan, 58.20 feet; and
SOUTHEASTERLY	by land now or formerly of St. Elizabeth's Hospital Foundation, Inc., by two lines respectively measuring, 240.79 feet and 99.47 feet.

Containing 73,505 square feet of land, more or less, or 1.687 acres, more or less, according to said plan.

Parcel I is also shown as the "Parcel I" containing 73,505 +/- square feet on plan at Book 16789, End (plan shows two Parcel I's).

Parcel II (261 Washington Street)

The land on Washington Street in Boston (Brighton District) Commonwealth of Massachusetts and being shown as Parcel 2, containing 415,382 +/- square feet, on Plan entitled "Mortgage Plan of Land, St. Elizabeth's Hospital North Complex Project, Brighton District Boston, Mass.," dated June 14, 1988 prepared by BSC Group and recorded at Book 14983, Page 1.

Specifically excepting therefrom Parcel 3 as shown on Plan at Book 14983, Page 1 and which parcel was conveyed to St. Elizabeth's Realty Corp. by Deed dated September 21, 1990 and recorded at Book 16521, Page 283.

Together with appurtenant rights and easements set forth in Deed to Saint Elizabeth's Realty Corp. dated September 27, 1990 and recorded at Book 16521, Page 283.

Parcel 2 is also shown as the "Parcel 2" containing 415,382 +/- square feet on plan at Book 16789 End (plan shows two Parcel 2s).

There is no PARCEL III

PARCEL IV (Nevins Street)

That certain parcel of land at the end of Nevins Street in said Boston (Brighton), being shown as Parcel B on a plan entitled "Plan of Land in Boston (Suffolk County)," dated January 24, 2014, revised December 23, 2015, by Precision Land Surveying, Inc., recorded with the Suffolk Registry of Deeds at Plan 2015, Page 537.

Together with the benefit of the non-exclusive drainage easement appurtenant to Parcel 2 above (the "Easement") running from Parcel 2 to Washington Street and shown as the "Proposed 20' Utility and Drainage Easement" on the plan at Book 16789 End, and bounded and described as follows:

Beginning at the Southeast corner of the northwesterly line of Parcel 2 as shown on said Plan; thence

S 39° 30' 44" W across said Parcel 1 one hundred seventy eight and 45/100 (178.45) feet to a point on the northerly side of Washington Street, said point lying on the arc of a curve concave northeasterly, from which said point a radial line bears N 32° 15' 25" E; thence running

Northerly along said sideline and said arc twenty and 14/100 (20.14) feet; thence running

N 39° 30' 44" E across said Parcel 1 one hundred eighty and 84/100 (180.84) feet to the said northwesterly line of Parcel 2; thence running

S 50° 29' 16" E along said northwesterly line twenty and 00/100 (20.00) feet to the point of beginning.

Containing 3,560 square feet or 0.082 acres, more or less.

Together with the benefit of appurtenant rights and easement set forth in deed to St. Elizabeth's Hospital Foundation, Inc., Trustee dated October 14, 1982 and recorded at Book 10091, Page 239, as confirmed by Confirmatory Deed dated September 26, 1988 and recorded at Book 15050, Page 314.

Together with the benefit of that certain Amended and Restated Easement Agreement, dated March 22, 2018, recorded with said Deeds at Book 59365, Page 290.