

PROCESS FOR TAKING PROPERTY UNDER THE EMINENT DOMAIN STATUTE

1. The Town Council adopts an Order of Taking by vote. The Order of Taking describes the property including any structures thereon, states the interest to be taken (e.g. fee or easement), and sets forth the public purpose for the taking. G.L. c. 79, § 1. *A plan of the property should accompany the Order.*

[The Date of the Vote to adopt the taking is the date that appears on the Order. It is NOT the date of the Taking. G.L. c. 79, § 3.]

2. The Order of Taking must be recorded in the Registry of Deeds within 30 days of the Vote. G.L. c. 79, § 3.

3. Immediately thereafter, the council must give notice to all parties with an interest in the property taken. G.L. c. 79, § 7C.

4. Within sixty days of recording, the town must make an offer to "every person entitled to damages" of the amount determined to be just compensation, which may be accepted in full settlement or as *pro tanto* – that is, without prejudice to the party accepting the offer to seek additional damages. G. L. c. 79, § 8A.

5. Title to the property vests in the town upon the recording of the Order of Taking at the Registry of Deeds. G. L. c. 79, § 3.