

**Planning Board**  
856 Main Road  
Westport, MA 02790  
[www.westport-ma.gov](http://www.westport-ma.gov)



**Tel. (508) 636-1037**  
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Memo:

To: Tim King  
Town Administrator

From: Jim Hartnett  
Assist. Admin of Planning

Date: August 18, 2017

Re: High School Property

As requested, I researched the taking information and located the deeds for the high school property, 19 Main Road. The majority of the property was taken by eminent domain in 1948, there was also an additional piece acquired by the Town from the Rego's in 1950.

The last paragraph of the eminent domain taken states:

*" Said parcels are taken for the purpose of erecting a public school house thereon for said Town and for other school purposes. By virtue of this order we include in the taking and hereby take any and all trees upon the above described property together with and structures affixed thereto."*

- 11/3/1948 Special Town Meeting vote to take in fee simple absolute, three parcels
  - Parcel 1 - 29.25 Acres
  - Parcel 2 - 73 & 20/100 Sq. Rods (19,928 s.f.)
  - Parcel 3 - 104 & 51/100 Sq. Rods (28,453 s.f.)
- 12/6/1948 Board of Selectmen signed Order of Taking, recorded in Book 954, Pages 358-359 on December 7, 1948. (See Attachment B)
- 12/30/1950 Antonio Rego and Mary A Rego transferred land to Town of Westport, recorded in Book 977, Pages 274-375. (See Attachment C)
- 9/30/1948 Plan of Land in Westport Surveyed for the Town of Westport, Mass School Department, recorded in Plan Book 40, Page 10. (See Attachment A)

Chapter 40, Section 14 & Chapter 79, Section 1, (See Attachment D)





Taking December 6, 1948

to us by George A. Blais et ux. by deed dated January 16, 1947, recorded with Bristol County (S.D.) Registry of Deeds, Book 923, Page 343.

Said premises are subject to a prior mortgage to Fairhaven Institution for Savings in the original sum of \$6300 dated May 14, 1948 recorded with the aforesaid Registry, Book 942, Page 456.

This mortgage is upon the statutory condition, for any breach of which the mortgagee shall have the statutory power of sale.

We the said mortgagors, release to the mortgagee all rights of curtesy, dower, and homestead and other interests in the mortgaged premises.

Witness our hands and seals this 7th day of December 1948

Harold J. Cotter

Anne I. Cotter

Commonwealth of Massachusetts

Bristol, ss. New Bedford, December 7, 1948 Then personally appeared the above named Harold J. Cotter and acknowledged the foregoing instrument to be his free act and deed, before me William S. Downey William S. Downey-Notary Public My Commission expires August 11, 1950

Received and recorded December 7, 1948 at 11 hrs. and 8 min. A.M.

Attest:

*Lawrence W. Caton*  
Register

9169

Prince et ali.

to

Town of Westport

We, George W. Russell, Philip Manchester, and

John A. Smith, Selectmen of the Town of Westport, Bristol County, Massachusetts, pursuant to vote of said Town at a special Town meeting, November 3,

1948 and under authority of General Laws of Massachusetts (T.E.) Chapter 40, Sec. 14, and Chapter 79, Section 1, do hereby take in fee simple absolute the land situated in said Town and County bounded and described as follows: FIRST PARCEL, supposed to belong to Benjamin Prince and George R. Medeiros, and bounded as follows:

PARCEL 1

NORTHERLY: On land now or formerly of Antonio T. Silva 772.84 feet; EASTERLY: By Old County Road 354.05 feet; SOUTHERLY: By Friends Cemetery 180.59 feet; EASTERLY: Again by Friends Cemetery and land now or formerly of Antone C. Vieira 362.91 feet; NORTHERLY: Again by land now or formerly of said Antone C. Vieira 165.83 feet; EASTERLY: Again by Main Road 168.42 feet; SOUTHERLY: Again by land now or formerly of Antonio and Mary A. Rego (the Second Parcel herein) 122.02 feet; EASTERLY: Again by said Rego 116.26 feet; SOUTHEASTERLY: By said Rego 92.34 feet; SOUTHERLY: Again by said Rego 33.04 feet; EASTERLY: Again by said Rego 223.33 feet; NORTHERLY: Again by said Rego 171.58 feet; EASTERLY: Again by Main Road 273.46 feet; SOUTHERLY: Again by land now or formerly of Ernest N. Moore and land formerly of George P. Lawton 895.81 feet; WESTERLY: By a stone wall and land of said Lawton and other land now or formerly of Benjamin Prince and George R. Medeiros 1,600.95 feet.

Containing 29.25 acres, more or less, being Lot No. 1 on "Plan of land in Westport surveyed for Town of Westport, Mass., School Department Sept. 30, 1948, Francis S. Borden, C.E."

Reference is made to deed to said Benjamin Prince and George R. Medeiros from Frank F. Perry dated May 13, 1948 and recorded in Bristol County South



District Registry of Deeds Book 942, Page 80.

PARCEL 2 SECOND PARCEL, supposed to belong to Antonio and Mary A. Rego and bounded and described as follows:

NORTHERLY: By land now or formerly of Benjamin Prince and George R. Medeiros (the first parcel herein) 122.02 feet; EASTERLY: By Main Road 160.42 feet; SOUTHERLY: By land now or formerly of Antonio and Mary A. Rego 135.27 feet; NORTHWESTERLY: By said land of said Prince and Medeiros 49.80 feet; and WESTERLY: By said Prince and Medeiros 116.26 feet; Containing 73.20 square rods, more or less, and being Lot No. 2 on said plan of land above referred to.

Reference is made to deed to said Antonio and Mary A. Rego from Mary Costa dated July 11, 1947 and recorded in said South District Registry Book 935, Page 28.

PARCEL 3 THIRD PARCEL, supposed to belong to the Heirs of Antone C. Vieira, and bounded as follows:

NORTHERLY: By Friends Cemetery 208.53 feet; EASTERLY: By Main Road 153.75 feet; SOUTHERLY: By land now or formerly of Benjamin Prince and George R. Medeiros (the first parcel herein) 165.83 feet; WESTERLY: By said land of Prince and Medeiros 153.38 feet; Containing 104.51 square rods of land, more or less, being Lot No. 3 on Plan of land in Westport referred to above.

Reference is made to deeds to Antone C. Vieira et al. from Melvin D. Tripp dated Dec. 26, 1901, recorded in said South District Registry Book 221, Page 260, and to Antone C. Vieira from John C. Rocha dated July 29, 1904, recorded in said Registry Book 247, Page 24.

Said parcels are taken for the purpose of erecting a public school house thereon for said Town and for other school purposes. By virtue of this order we include in the taking and hereby take any and all trees upon the above described property together with any structures affixed thereto.

George W. Russell

Philip Manchester

John A. Smith

Dated December 6, 1948

Selectmen of the Town of Westport.

Commonwealth of Massachusetts

Bristol, ss. Westport, December 6, 1948 Then personally appeared the above named George W. Russell, Philip Manchester, and John A. Smith and severally acknowledged the foregoing instrument to be their free act and deed, before me - Richard K. Hawes Jr. Notary Public Richard K. Hawes, Jr. Notary Public My Commission Expires Feb 26 1954

Received and recorded December 7, 1948 at 1 hr. and 9 min. P.M.

Attest:

*Lawrence W. Caton*  
REGISTER

We Joseph A. Smith and Marion A. Smith, both of New Bedford, Bristol County, Massachusetts, being married, for consideration paid, grant to Milton Gollis and Shirley M. Gollis husband and wife as joint tenants but not as tenants by the entirety of said New Bedford with warranty covenants the land in said New Bedford with the buildings thereon,

9170

Smith et ux.

to

Gollis et ux.



Rego Deed  
January 30, 1950

977 374

#687

We, Antonio Rego and Mary A. Rego, husband and wife,

of Westport, Bristol County, Massachusetts,

~~being married~~ for consideration paid, grant to the Town of Westport, a municipal  
corporation organized under the Laws of the Commonwealth of Massa-  
chusetts,

~~of~~

with warranty covenants

the land in said Westport, together with all buildings and improvements

[Description and encumbrances, if any]

thereon, situated on the west side of Main Road and southerly from  
George H. Gifford Corner, and bounded as follows:

EASTERLY: by Main Road,

NORTHERLY, SOUTHERLY and WESTERLY: by land belonging  
to said Town of Westport taken by eminent domain  
by virtue of an Order of Taking signed by the  
Selectmen of the Town of Westport and dated De-  
cember 6, 1948.

Being "Land Now or Formerly of Antonio and Mary A.  
Rego" on Plan of Land in Westport surveyed for Town of  
Westport, Massachusetts, School Department, September  
30, 1948, Francis S. Borden, C.E., located on said Plan  
south of and adjoining that parcel delineated thereon  
as Parcel 2.

Reference to our source of title may be made to deed from  
Mary B. Costa to these grantors dated July 11, 1947, and  
recorded in Bristol County South District Registry of  
Deeds, Book 935, Page 28. See also Order of Taking by  
eminent domain of land by Town of Westport dated December  
6, 1948, and recorded in said Registry. The above referred  
to Plan of Land surveyed for the School Department was also  
recorded in said Registry at the time of recording of said  
Order of Taking.



977 375

I, Antonio Rego, husband of the said Mary A. ~~husband~~ ~~of said grantee~~  
Rego, and I, Mary A. Rego, wife of the said Antonio Rego,  
release to said grantee all rights of tenancy by the curtesy ~~and~~  
dower and homestead and other interests therein.

Witness our hands and seals this 28th day of January 1950.

Milton E. Earle  
Milton E. Earle

Antonio Rego  
Mary A. Rego



The Commonwealth of Massachusetts

Bristol, ss. January 30, 1950.

Then personally appeared the above named

Antonio Rego and Mary A. Rego

and acknowledged the foregoing instrument to be their free act and deed, before me

Elmer B. Manchester Jr.  
Notary Public - ~~Commonwealth of Massachusetts~~

My commission expires Nov. 3, 1955

Received and recorded January 30, 1950 at 4 hrs. and 15 min. P. M.



## Attachment D

### Chapter 79, Section 1: Order of taking; contents

Section 1. The taking of real estate or of any interest therein by right of eminent domain may be effected in the following manner. A board of officers upon whom authority to take real estate by eminent domain on behalf of any body politic or corporate has been conferred by law, having first complied with all the preliminary requirements prescribed by law, may adopt an order of taking, which shall contain a description of the land taken sufficiently accurate for identification, and shall state the interest therein taken and the purpose for which such property is taken, and in case such taking is for an improvement for which betterments may be assessed shall state whether betterments are to be assessed therefor. In case there are trees upon the land taken, or structures affixed thereto, the order of taking shall state whether the same are to be included in the taking, and, if they are not so included, shall allow the owner a reasonable time after the date of the order or after entry or possession to remove the same, to be specified in the order.

### Chapter 40, Section 14: Purchase of land; conditions; limitations; definition

Section 14. The aldermen of any city, except Boston, or the selectmen of a town may purchase, or take by eminent domain under chapter seventy-nine, any land, easement or right therein within the city or town not already appropriated to public use, for any municipal purpose for which the purchase or taking of land, easement or right therein is not otherwise authorized or directed by statute; but no land, easement or right therein shall be taken or purchased under this section unless the taking or purchase thereof has previously been authorized by the city council or by vote of the town, nor until an appropriation of money, to be raised by loan or otherwise, has been made for the purpose by a two thirds vote of the city council or by a two thirds vote of the town, and no lot of land shall be purchased for any municipal purpose by any city subject to this section for a price more than twenty-five per cent in excess of its average assessed valuation during the previous three years.

The words "municipal purpose", as used in this section, shall include any such land, easement or right therein within the city or town, so purchased or taken by eminent domain for the purpose of conveying or granting the same to the commonwealth for the use of a regional community college.

**November 3, 1948**

**Article 4.** To see if the town will vote to authorize the Selectmen, on behalf of the town, to acquire by donation, purchase or eminent domain, for the purpose of erecting a public high school and for other school purposes, the following described three parcels of land situated in said town on the west side of Main Road and Old County Road, opposite and in the vicinity of George H. Gifford Corner, and bounded as follows.

**First Parcel.**

**NORTHERLY:** On land now or formerly of Antonio T. Silva 772.84 feet,  
**EASTERLY:** By Old County Road 354.05 feet,  
**SOUTHERLY:** By Friends Cemetery 180.59 feet,  
**EASTERLY:** Again by Friends Cemetery and land now or formerly of Antone C. Vieira 362.91 feet.  
**NORTHERLY:** Again by land now or formerly of said Antone C. Vieira 165.83 feet,  
**EASTERLY:** Again by Main Road 168.42 feet,  
**SOUTHERLY:** Again by land now or formerly of Antonio and Mary A. Rego (the Second Parcel herein) 122.02 feet,  
**EASTERLY:** Again by said Rego 116.26 feet  
**SOUTHEASTERLY:** By said Rego 92.34 feet,  
**SOUTHERLY:** Again by said Rego 33.04 feet,  
**EASTERLY:** Again by said Rego 293.33 feet,  
**NORTHERLY:** Again by said Rego 171.58 feet,  
**EASTERLY:** Again by Main road 273.46 feet,  
**SOUTHERLY:** Again by land now or formerly of Ernest N. Moore and land formerly of George P. Lawton 895.81 feet,  
**WESTERLY:** By a stone wall and land of said Lawton and other land now or formerly of Benjamin Prince and George R. Medeiros 1,600. 95 feet,

Containing 29.25 acres, more or less, being Lot No. 1 on "Plan of Land in Westport surveyed for Town of Westport, Mass. School Department September 30, 1948, Francis S. Borden, C. E.

**Second Parcel.**

**NORTHERLY:** By land now or formerly of Benjamin Prince and George R. Medeiros (the first parcel herein) 122.02 feet,



EASTERLY: By Main Road 160.42 feet,  
SOUTHERLY: By land now or formerly of Antonio and Mary A. Rego 135.27 feet,  
NORTHWESTERLY: By said land of said Prince and Medeiros 49.80 feet and  
WESTERLY: By said Prince and Medeiros 116.26 feet.

Containing 73.20 square rods more or less, and being lot No. 2 on said plan of land above referred to.

**Third Parcel:**

NORTHERLY: By Friends Cemetery 208.53 feet,  
EASTERLY: By Main Road 153.75 feet,  
SOUTHERLY: By land now or formerly of Benjamin Prince and George R. Medeiros (the first parcel herein) 165.83 feet,  
WESTERLY: By said land of Prince and Medeiros 153.38 feet.

Containing 104.51 square rods of land, more or less, being Lot No. 3 on Plan of Land in Westport referred to above.  
And to appropriate a sum of money to pay for the same; determine whether the money shall be provided for by appropriation from available funds in the treasury, including Sale of Property Fund and Sale of Beulah Road School Fund and take any other action relative thereto.

VOTED: That the Selectmen be authorized on behalf of the town, to acquire by donation, purchase or eminent domain, for the purpose of erecting a public high school and for other school purposes, the following described three parcels of land situated in said town on the west side of Main Road and Old County Road, opposite and in the vicinity of George H. Gifford Corner, and bounded as follows:

First Parcel.

NORTHERLY: On land now or formerly of Antonio T. Silva 772.84 feet,  
EASTERLY: By Old County Road 354.05 feet,  
SOUTHERLY: By Friends Cemetery 180.59 feet,  
EASTERLY: Again by Friends Cemetery and land now formerly of Antone C. Vieira 362.91 feet,  
NORTHERLY: Again by land now or formerly of said Antone C. Vieira 165.83 feet,  
EASTERLY: Again by Main Road 168.42 feet,  
SOUTHERLY: Again by land now or formerly of Antonio and Mary A. Rego (the Second Parcel herein) 122.02 feet,



EASTERLY: Again by said Rego 116.26 feet,  
SOUTHEREASTERLY: By said Rego 92.34 feet,  
SOUTHERLY: Again by said Rego 33.04 feet,  
EASTERLY: Again by said Rego 223.33 feet,  
NORTHERLY: Again by said Rego 171.58 feet,  
EASTERLY: Again by Main Road 273.46 feet,  
SOUTHERLY: Again by land now or formerly of Ernest N. Moore and land formerly of George P. Lawton 895.81 feet,  
WESTERLY: By a stone wall and land of said Lawton and other land now or formerly of Benjamin Prince and George R. Medeiros 1,600.95 feet,

Containing 29.25 acres, more or less, being Lot No. 1 on "Plan of Land in Westport surveyed for Town of Westport, Mass. School Department September 30, 1948, Francis S. Borden C. E.

Second Parcel.

NORTHERLY: By land now or formerly of Benjamin Prince and George R. Medeiros (the first parcel herein) 122.02 feet,  
EASTERLY: By Main Road 160.42 feet,  
SOUTHERLY: By land now or formerly of Antonio and Mary A. Rego 135.27 feet,  
NORTHWESTERLY: By said land of said Prince and Medeiros 49.80 feet and  
WESTERLY: By said Prince and Medeiros 116.26 feet.

Containing 73.20 square rods more or less, and being lot No. 2 on said plan of land above referred to.

Third Parcel.

NORTHERLY: By Friends Cemetery 208.53 feet,  
EASTERLY: By Main Road 153.75 feet,  
SOUTHERLY: By land now or formerly of Benjamin Prince and George R. Medeiros (the first parcel herein) 165.83 feet,  
WESTERLY: By said land of Prince and Medeiros 153.38 feet,



Containing 104.51 square rods of land, more or less, being Lot No. 3 on Plan of Land in Westport referred to above.

And that \$4500.00 be appropriated to pay for the same of which \$2683.70 be provided from Sale of Property Fund, \$1075.00 from Sale of Beulah Road School Fund and the balance from free cash.

Yes	108
No	4