

CITY OF MARLBOROUGH MEETING POSTING

Meeting Name: City Council Legislative and Legal Affairs Committee

Date: June 8, 2015

Time: 6:15 PM

Location: City Council Chamber, 2nd Floor, City Hall, 140 Main Street

Agenda Items to be addressed:

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2015 JUN -3 A 9:17

Continued Review:

4-27-15 – **Order No.15-1006182:** Communication from the Mayor with proposed Grant of Easements, as requested by the Mass Water Resources Authority (MWRA) for the purposes of constructing a new security gate for the John J. Carroll Water Treatment Plant.

-REFER TO LEGISLATIVE AND LEGAL AFFAIRS

THE LISTING OF TOPICS THAT THE CHAIR REASONABLY ANTICIPATES WILL BE DISCUSSED AT THE MEETING IS NOT INTENDED AS A GUARANTEE OF THE TOPICS THAT WILL HAVE BEEN DISCUSSED. NOT ALL TOPICS LISTED MAY IN FACT BE DISCUSSED, AND OTHER TOPICS NOT LISTED MAY ALSO BE BROUGHT UP FOR DISCUSSION TO THE EXTENT PERMITTED BY LAW.

The public should take due notice that the Marlborough City Council may have a quorum in attendance due to Standing Committees of the City Council consisting of both voting and non-voting members. However, members attending this duly posted meeting are participating and deliberating only in conjunction with the business of the Standing Committee.

Electronic devices, including laptops, cell phones, pagers, and PDAs must be turned off or put in silent mode upon entering the City Council Chamber, and any person violating this rule shall be asked to leave the chamber. Express authorization to utilize such devices may be granted by the President for recordkeeping purposes.



IN CITY COUNCIL

Marlborough, Mass.,

APRIL 27, 2015

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ORDERED:

That the City of Marlborough grant a permanent easement, to be executed by the Mayor on behalf of the City, to the MASSACHUSETTS WATER RESOURCES AUTHORITY, a Massachusetts public authority having its principal place of business at the Charlestown Navy Yard, 100 First Avenue, Building 39, Boston, Massachusetts 02129, and a facility known as the John J. Carroll Water Treatment Plant located at 86 D'Angelo Drive, Marlborough, MA, described as PARCEL 1, PARCEL 2, and PARCEL 3 in the attached Grant of Permanent Easements and as shown on the plan attached to said Grant as Exhibit "A", entitled "Easement Plan of Land In Marlborough, Massachusetts, Prepared For Massachusetts Water Resources Authority, March 26, 2014, By Bryant Associates, Inc., 90 Canal Street, Suite 301, Boston, MA 02114, Scale 1" = 20 FT." for the purposes of entering upon, passing and repassing, and excavating, locating, relocating, erecting, constructing, reconstructing, adding to, extending, repairing, replacing, maintaining, operating, inspecting or removing structures, utilities, equipment, appurtenances and fixtures on, over, under and across those certain parcels of land of the City of Marlborough described and shown on Exhibit "A", which shall be recorded at the Middlesex South District Registry of Deeds.



IN CITY COUNCIL

Marlborough, Mass.,

APRIL 27, 2015

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ORDERED:

GRANT OF PERMANENT EASEMENTS

The CITY OF MARLBOROUGH, a municipal corporation duly organized and existing under the laws of the Commonwealth of Massachusetts having an address of 140 Main Street, Marlborough, Massachusetts (hereinafter called the Grantor), in consideration of the mutual covenants contained herein, grant(s) to the MASSACHUSETTS WATER RESOURCES AUTHORITY, a Massachusetts public authority having its principal place of business at the Charlestown Navy Yard, 100 First Avenue, Building 39, Boston, Massachusetts 02129, and a facility known as the John J. Carroll Water Treatment Plant located at 86 D'Angelo Drive, Marlborough, MA, its successors and assigns (hereinafter called the Grantee), with quitclaim covenants, the right and easement to enter upon, pass and repass, excavate, locate, relocate, erect, construct, reconstruct, add to, extend, repair, replace, maintain, operate, inspect or remove structures, utilities, equipment, appurtenances and fixtures on, over, under and across those certain parcels of Grantor's land described and shown as PARCEL 1, PARCEL 2, and PARCEL 3 on the plan entitled "Easement Plan of Land In Marlborough, Massachusetts, Prepared For Massachusetts Water Resources Authority, March 26, 2014, By Bryant Associates, Inc., 90 Canal Street, Suite 301, Boston, MA 02114, Scale 1" = 20 FT." , a reduced copy of said plan being attached hereto as "Exhibit A".

Grantor shall have no right to relocate said easements without the express written consent of the Grantee, which may be withheld in Grantee's sole discretion. The Grantee shall have all other rights and benefits that it deems necessary for the full implementation and use of the rights herein granted, including, but not limited to, the right to remove and clear all rocks, trees, brush, limbs, structures and other obstructions which in the opinion of the Grantee might interfere with the rights herein granted, and the right of vehicular and pedestrian access across the Grantor's land for all the above purposes.

It is agreed that such structures, utilities, equipment, appurtenances and fixtures and each and every part thereof, whether fixed to the realty or not, shall be and remain the property of the Grantee, its successors and assigns, as their interests may appear.



IN CITY COUNCIL

Marlborough, Mass., APRIL 27, 2015
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ORDERED:

Executed as a sealed instrument by an authorized signatory this ____ day of _____, 2015.

City of Marlborough
By Its Mayor,

Arthur G. Vigeant

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss

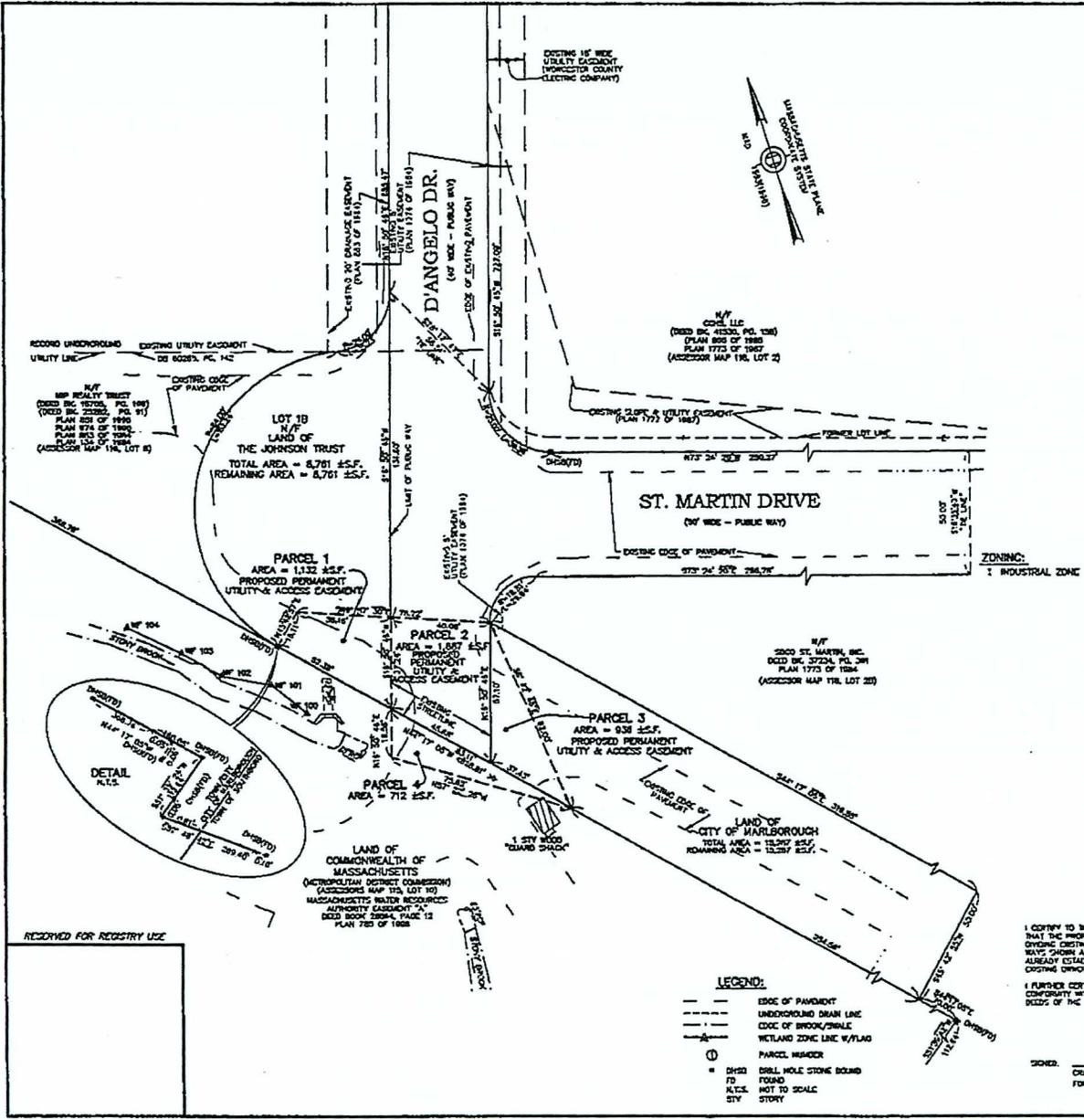
On this ____ day of _____, 2015, before me, the undersigned notary public, personally appeared Arthur G. Vigeant proved to me through satisfactory evidence of identification which was personal knowledge, to be the person whose name is signed on the preceding document and acknowledged to me that he, in his capacity as the Mayor of the City of Marlborough, signed it voluntarily for its stated purpose as the free act and deed of the City of Marlborough.

Notary Public
My commission expires:

Be and is herewith refer to **LEGISLATIVE AND LEGAL AFFAIRS COMMITTEE.**

ADOPTED

ORDER NO. 15-1006182



- REFERENCES:**
- MAP 116, LOT 18 LAND OF MAP REALTY TRUST
DEED BOOK 2525, PG. 91
PLAN 874 OF 1964
PLAN 874 OF 1964
PLAN 134 OF 1964
 - MAP 116, LOT 2 LAND OF ODELL, LLC
DEED BOOK 41230, PG. 158
PLAN 996 OF 1995
PLAN 1773 OF 1987
 - MAP 116, LOT 2A LAND OF 24 ST. MARTIN DRIVE LLC
DEED BOOK 40223, PG. 289
PLAN 1773 OF 1987
 - MAP 116, LOT 2B LAND OF 2000 ST. MARTIN, INC
DEED BOOK 37234, PG. 391
PLAN 1773 OF 1984
 - MAP 116, LOT 3 LAND OF CITY OF MARLBOROUGH
DEED BOOK 3974, PG. 175
PLAN 443 OF 1980
 - MAP 116, LOT 10 LAND OF COMMONWEALTH OF MASSACHUSETTS (MOC)
DEED BOOK 4055, PAGE 288
DEED BOOK 2474, PAGE 281
DEED BOOK 2876, PAGE 284
DEED BOOK 4272, PAGE 246
DEED BOOK 2884, PAGE 10
PLAN 81276, PLAN 80
 - WORCESTER SOCIETY OF DECEASED
DEED BOOK 2970, PAGE 0
DEED BOOK 1642, PAGE 53
DEED BOOK 1352, PAGE 23
DEED BOOK 1807, PAGE 53
 - LAND NOW OR FORMERLY OF THE JOHNSON TRUST (LOT 18)
PORTION OF D'ANGELO DRIVE
DEED BOOK 11533, PG. 206
PLAN 1074 OF 1964

- NOTES:**
- PARCEL 1, NOW OR FORMERLY LAND OF THE JOHNSON TRUST IS TO BECOME A PERMANENT UTILITY AND PERMANENT ACCESS EASEMENT BENEFITING THE MASSACHUSETTS WATER RESOURCES AUTHORITY.
 - PARCEL 2, LAND OF THE CITY OF MARLBOROUGH, BEING A PORTION OF D'ANGELO DRIVE IS TO BECOME A PERMANENT UTILITY AND PERMANENT ACCESS EASEMENT BENEFITING THE MASSACHUSETTS WATER RESOURCES AUTHORITY.
 - PARCEL 3, LAND OF THE CITY OF MARLBOROUGH, IS TO BECOME A PERMANENT UTILITY AND PERMANENT ACCESS EASEMENT BENEFITING THE MASSACHUSETTS WATER RESOURCES AUTHORITY.
 - WETLANDS SHOWN ON AERIAL LAND (MAP 103, LOT 10) ARE LOCATED ON THE GROUND AS SHOWN AND WERE DELINEATED BY CAMP DRESSER & MARCE (CDA) ON OR BEFORE APRIL, 1995.
 - A TITLE REPORT PREPARED BY SHAWN P. MACALE, DATED DECEMBER 2, 2013 WAS PROVIDED WITH REGARD TO A PORTION OF D'ANGELO DRIVE SHOWN HEREON AS LAND NOW OR FORMERLY OF THE JOHNSON TRUST (LOT 18). SEE DEED BOOK 11533, PAGE 247 FOR DECLARATION OF SAID TRUST DATED MARCH 1986 (TERMINATING AFTER 20 YEARS). SAID REPORT STATED THAT NO RECORD OF TRANSFER TO THE CITY OF MARLBOROUGH FOR LOT 10 AS SHOWN ON PLAN 1074 OF 1964 WAS FOUND.

**EASEMENT
PLAN OF LAND
MARLBOROUGH, MASSACHUSETTS**

PREPARED FOR
**MASSACHUSETTS WATER
RESOURCES AUTHORITY**
MARCH 24, 2014

BRYANT ASSOCIATES, INC.
90 CANTON STREET, SUITE 301 NORTON, MA 02114
TEL: 617-244-8299, FAX: 617-244-8212
WWW.BRYANT-PA.COM

SCALE: 1" = 20 FT.

I CERTIFY TO THE BEST OF MY PROFESSIONAL KNOWLEDGE AND BELIEF THAT THE PROPERTY LINES SHOWN ON THIS PLAN ARE THE LINES OBTAINED BY EXISTING UNDERDRAINS AND THE LINES OF THE STREETS AND WAYS SHOWN ARE EITHER OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED AND THAT NO NEW LINES FOR DIVISION OF CROWN DRAINAGE OR FOR NEW WAYS ARE SHOWN.

I FURTHER CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMITY WITH THE RULES AND REGULATIONS OF THE RECORDERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

- LEGEND:**
- EDGE OF PAVEMENT
 - UNDERGROUND DRAIN LINE
 - COIC OF BROOK/SWALE
 - WETLAND ZONE LINE W/FLAG
 - ⊙ PARCEL HEADER
 - DRILL HOLE STONE BOUND
 - FD FOUND
 - NOT TO SCALE
 - STY STORY

DATE: 03/24/2014
FOR: BRYANT ASSOCIATES, INC.

SURVEY DATED: 10-12-2012 1" = 20 FT. CHECKED BY: CAV
DRAWN BY: KYLE JOB NO.: 212964 APPROVED BY: CAV