

# CITY OF MARLBOROUGH MEETING POSTING

Meeting Name: City Council Legislative and Legal Affairs Committee

Date: July 9, 2019

Time: 6:30 PM

Location: City Council Chamber, 2<sup>nd</sup> Floor, City Hall, 140 Main Street

Agenda Items to be addressed:

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

2019 JUN 27 P 2:31

6-17-19 – Order No.19-1007717: Communication from DPW Commissioner Ghiloni re: Proposed Easement for Sudbury Street Sewer Project, Phase 4, 55 Hanlon Drive/Allen G. Supynuk and Wendy McDonald.

-REFER TO LEGISLATIVE AND LEGAL AFFAIRS

6-17-19 – Order No.19-1007718: Communication from DPW Commissioner Ghiloni re: Proposed Easement for Sudbury Street Sewer Project, Phase 4, 263 Sudbury Street/Daniel A. and Kelly A. Sarazen.

-REFER TO LEGISLATIVE AND LEGAL AFFAIRS

6-17-19 – Order No.19-1007717: Communication from DPW Commissioner Ghiloni re: Proposed Easement for Sudbury Street Sewer Project, Phase 4, 299 Sudbury Street/Fred B. Brewitt and Lee Ann A. Brewitt.

-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., JUNE 17, 2019

PAGE 1

## ORDERED:

That the Communication from DPW Commissioner, John Ghiloni, re: Proposed Easement for Sudbury Street Sewer Project, Phase 4, 55 Hanlon Drive, as outlined below, be and is herewith refer to **LEGISLATIVE AND LEGAL AFFAIRS COMMITTEE.**

WHEREAS, in the opinion of the City Council of the City of Marlborough, the common convenience and necessity require that the permanent sewer easement shown as "Proposed Easement A", constituting a portion of the "Proposed 30' Wide Sewer Easement" as shown, more or less, on a plan entitled "Easement Plan of Land in Marlborough, MA, Prepared By: City of Marlborough Department of Public Works, Engineering Division, 135 Neil Street, Marlborough, MA 01752, Scale: 1" = 40'; Date: June 10, 2019" (the "Plan"). Containing 11,496+/- square feet, more or less, according to said plan, be accepted as a municipal easement as shown on plan thereof and as hereinafter described:

### DESCRIPTION

The 30'-wide sewer easement shown as "Proposed Easement A", constituting a portion of the "Proposed 30' Wide Sewer Easement" as shown, more or less, on a plan entitled "Easement Plan of Land in Marlborough, MA, Prepared By: City of Marlborough Department of Public Works, Engineering Division, 135 Neil Street, Marlborough, MA 01752, Scale: 1" = 40'; Date: June 10, 2019" (the "Plan"), said plan to be recorded at the Middlesex County South Registry of Deeds herewith. Containing 11,496+/- square feet, more or less, according to said plan. Said easement and plan are attached hereto.

### IT IS THEREFORE ORDERED THAT:

The 30'-wide sewer easement shown as "Proposed Easement A", constituting a portion of the "Proposed 30' Wide Sewer Easement" as shown, more or less, on a plan entitled "Easement Plan of Land in Marlborough, MA, Prepared By: City of Marlborough Department of Public Works, Engineering Division, 135 Neil Street, Marlborough, MA 01752, Scale: 1" = 40'; Date: June 10, 2019" (the "Plan"), said plan to be recorded at the Middlesex County South Registry of Deeds herewith. Containing 11,496+/- square feet, more or less, according to said plan. Said easement and plan are attached hereto.

Being portions of the property owned by ALLEN G. SUPYNUK and WENDY MCDONALD and described in a deed recorded in the Middlesex South District Registry of Deeds, Book 42958 Page 450, be accepted as a municipal easement in the City of Marlborough.





# IN CITY COUNCIL

Marlborough, Mass.,

JUNE 17, 2019

PAGE 2

ORDERED:

## GRANT OF SEWER EASEMENT

ALLEN G. SUPYNUK and WENDY MCDONALD, of Marlborough, Mass., hereinafter known, collectively, as Grantors, its successors and assigns, in consideration of the payment of One Dollar (\$1.00) and other good and valuable consideration as provided in the covenants herein, receipt and sufficiency of which is hereby acknowledged,

Hereby grant to the CITY OF MARLBOROUGH, a municipal corporation formed under the laws of the Commonwealth of Massachusetts, and having an address at 140 Main Street, Marlborough, MA 01752 in Middlesex County, hereinafter referred to as Grantee, its successors and assigns forever, with quitclaim covenants, an exclusive and perpetual right and easement to operate, construct, maintain, replace, repair, inspect, and improve a sanitary sewer, a system of sewerage, and other appurtenances thereto to consisting of but not limited to pipes, conduits, manholes, vaults and castings on, through, over and under a portion of land located off of Hanlon Drive, Marlborough, Middlesex County, Massachusetts and being more particularly described as follows:

### DESCRIPTION

The 30'-wide sewer easement shown as "Proposed Easement A", constituting a portion of the "Proposed 30' Wide Sewer Easement" as shown, more or less, on a plan entitled "Easement Plan of Land in Marlborough, MA, Prepared By: City of Marlborough Department of Public Works, Engineering Division, 135 Neil Street, Marlborough, MA 01752, Scale: 1" = 40'; Date: June 10, 2019" (the "Plan"), said plan to be recorded at the Middlesex County South Registry of Deeds herewith.

Containing 11,496+/- square feet, more or less, according to said plan.

Being portions of the property owned by the Grantor and described in a deed recorded in the Middlesex South District Registry of Deeds, in Book 42958 Page 450.

The above granted rights being more particularly described as the right to lay, inspect, construct, reconstruct, relocate, operate, maintain, alter, renew, replace, add to and remove for a sanitary sewer and system of sewerage the necessary pipes, conduits, manholes, vaults, castings and/or other appurtenances that are or shall be required to install and operate a sewer line, on, over and under the easement area and to do all other acts incidental to the foregoing, including the right to pass and repass over the land of Grantor, its successors and assigns, with people, equipment, supplies for access thereto for all of the above purposes.



# IN CITY COUNCIL

Marlborough, Mass., JUNE 17, 2019

PAGE 3

## ORDERED:

And, Grantee shall construct a sewer connection stub and approximately sixty feet of service piping for connection of the existing house to the new sewer line to be located within the easement, remove a 24 inch diameter pine tree from the property near the existing house, and remove and reset part of an existing fence within the easement.

And, for the same consideration aforesaid, the Grantor does hereby give, grant, transfer and deliver unto the Grantee and its successors and assigns forever sanitary sewer conduits, manholes, vaults, castings and/or other appurtenances thereto that are now or hereafter constructed or installed in, through, or under the above described land by the Grantor or the Grantor's successors and assigns.

Also granted is the perpetual right and easement at any time and from time to time to clear and keep cleared that portion and areas of the premises wherein the utilities are located, of trees, roots, branches, shrubs, brush, bushes, structures, objects and surfaces as may, in the reasonable opinion of the Grantee, its successors and assigns, interfere with the safe and efficient operation and maintenance of said sanitary sewer and system of sewerage.

The Grantee, for itself, its successors and assigns, further agrees that it will promptly restore the surface disturbed by it in the exercise of the rights herein granted, in a good and workmanlike manner, substantially to the same condition as existed prior to its being disturbed.

Grantor, its successors and assigns may not place any building, shed or other permanent object or encroachment within the easement area which would materially or unreasonably affect and/or interfere with the purpose of the easement.

It is intended that this easement be conveyed by the Grantor to the City of Marlborough. The grant of easement is and shall be binding upon the Grantor, its successors and/or assigns, and inure to the benefit of the Grantee.

Grantor warrants that it has good title to transfer the same, and that it will defend the same against claims of all persons.

In witness whereof, this Grant of Sewer Easement is executed under seal this \_\_\_ day of

\_\_\_\_\_, 2019.

\_\_\_\_\_  
ALLEN G. SUPYNUK

\_\_\_\_\_  
WENDY MCDONALD





# IN CITY COUNCIL

Marlborough, Mass., JUNE 17, 2019

PAGE 4

ORDERED:

## COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss

On this \_\_\_st day of \_\_\_\_\_, 2019, before me, the undersigned notary public, personally appeared ALLEN G. SUPYNUK, proved to me through satisfactory evidence of identification, which was \_\_\_\_\_, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose.

\_\_\_\_\_  
Notary Public:

My Commission Expires:

## COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss

On this \_\_\_st day of \_\_\_\_\_, 2019, before me, the undersigned notary public, personally appeared WENDY MCDONALD, proved to me through satisfactory evidence of identification, which was \_\_\_\_\_, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose.

\_\_\_\_\_  
Notary Public:

My Commission Expires:

ADOPTED

ORDER NO. 19-1007717

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*City of Marlborough*  
**Department of Public Works**

135 NEIL STREET  
MARLBOROUGH, MASSACHUSETTS 01752  
TEL. 508-624-6910  
\*TDD 508-460-3610

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH  
JOHN L. GHILONI  
COMMISSIONER  
2019 JUN 13 A 11:50

LTK

June 13, 2019

Arthur G. Vigeant, Mayor  
City Hall  
140 Main Street  
Marlborough, MA 01752

Re: Proposed Easement for Sudbury Street Sewer Project, Phase 4 (55 Hanlon Drive)

Dear Mayor Vigeant:

I request that you send to the City Council, for their action, the enclosed proposed order and form of Grant of Sewer Easement to the City of Marlborough from Allen Supynuk and Wendy McDonald, in connection with the Sudbury Street Sewer Project, Phase 4, scheduled for construction during Summer 2019. The documents, which have been reviewed by the Legal Department and are in proper legal form are currently being reviewed by the property owners and will be signed prior to a request for vote by the City Council.

City Engineer Thomas DiPersio, Jr., is available to answer any questions concerning this matter. Please feel free to contact me as well if you have any questions or concerns.

Respectfully,

John L. Ghiloni  
Commissioner of Public Works

Enclosure

cc: Jason D. Grossfield, City Solicitor  
Thomas DiPersio, Jr., City Engineer



ORDERED:

WHEREAS, in the opinion of the City Council of the City of Marlborough, the common convenience and necessity require that the permanent sewer easement shown as "Proposed Easement A", constituting a portion of the "Proposed 30' Wide Sewer Easement" as shown, more or less, on a plan entitled "Easement Plan of Land in Marlborough, MA, Prepared By: City of Marlborough Department of Public Works, Engineering Division, 135 Neil Street, Marlborough, MA 01752, Scale: 1" = 40'; Date: June 10, 2019" (the "Plan"). Containing 11,496+/- square feet, more or less, according to said plan, be accepted as a municipal easement as shown on plan thereof and as hereinafter described:

DESCRIPTION

The 30'-wide sewer easement shown as "Proposed Easement A", constituting a portion of the "Proposed 30' Wide Sewer Easement" as shown, more or less, on a plan entitled "Easement Plan of Land in Marlborough, MA, Prepared By: City of Marlborough Department of Public Works, Engineering Division, 135 Neil Street, Marlborough, MA 01752, Scale: 1" = 40'; Date: June 10, 2019" (the "Plan"), said plan to be recorded at the Middlesex County South Registry of Deeds herewith. Containing 11,496+/- square feet, more or less, according to said plan. Said easement and plan are attached hereto.

IT IS THEREFORE ORDERED THAT:

The 30'-wide sewer easement shown as "Proposed Easement A", constituting a portion of the "Proposed 30' Wide Sewer Easement" as shown, more or less, on a plan entitled "Easement Plan of Land in Marlborough, MA, Prepared By: City of Marlborough Department of Public Works, Engineering Division, 135 Neil Street, Marlborough, MA 01752, Scale: 1" = 40'; Date: June 10, 2019" (the "Plan"), said plan to be recorded at the Middlesex County South Registry of Deeds herewith. Containing 11,496+/- square feet, more or less, according to said plan. Said easement and plan are attached hereto.

Being portions of the property owned by ALLEN G. SUPYNUK and WENDY MCDONALD and described in a deed recorded in the Middlesex South District Registry of Deeds, Book 42958 Page 450, be accepted as a municipal easement in the City of Marlborough.

ADOPTED  
In City Council  
Order No. 19-  
Adopted

Approved by Mayor  
Arthur G. Vigeant  
Date:

A TRUE COPY  
ATTEST:

## GRANT OF SEWER EASEMENT

ALLEN G. SUPYNUK and WENDY MCDONALD, of Marlborough, Mass., hereinafter known, collectively, as Grantors, its successors and assigns, in consideration of the payment of One Dollar (\$1.00) and other good and valuable consideration as provided in the covenants herein, receipt and sufficiency of which is hereby acknowledged,

Hereby grant to the CITY OF MARLBOROUGH, a municipal corporation formed under the laws of the Commonwealth of Massachusetts, and having an address at 140 Main Street, Marlborough, MA 01752 in Middlesex County, hereinafter referred to as Grantee, its successors and assigns forever, with quitclaim covenants, an exclusive and perpetual right and easement to operate, construct, maintain, replace, repair, inspect, and improve a sanitary sewer, a system of sewerage, and other appurtenances thereto to consisting of but not limited to pipes, conduits, manholes, vaults and castings on, through, over and under a portion of land located off of Hanlon Drive, Marlborough, Middlesex County, Massachusetts and being more particularly described as follows:

### DESCRIPTION

The 30'-wide sewer easement shown as "Proposed Easement A", constituting a portion of the "Proposed 30' Wide Sewer Easement" as shown, more or less, on a plan entitled "Easement Plan of Land in Marlborough, MA, Prepared By: City of Marlborough Department of Public Works, Engineering Division, 135 Neil Street, Marlborough, MA 01752, Scale: 1" = 40'; Date: June 10, 2019" (the "Plan"), said plan to be recorded at the Middlesex County South Registry of Deeds herewith.

Containing 11,496+/- square feet, more or less, according to said plan.

Being portions of the property owned by the Grantor and described in a deed recorded in the Middlesex South District Registry of Deeds, in Book 42958 Page 450.

The above granted rights being more particularly described as the right to lay, inspect, construct, reconstruct, relocate, operate, maintain, alter, renew, replace, add to and remove for a sanitary sewer and system of sewerage the necessary pipes, conduits, manholes, vaults, castings and/or other appurtenances that are or shall be required to install and operate a sewer line, on, over and under the easement area and to do all other acts incidental to the foregoing, including the right to pass and repass over the land of Grantor, its successors and assigns, with people, equipment, supplies for access thereto for all of the above purposes.

And, Grantee shall construct a sewer connection stub and approximately sixty feet of service piping for connection of the existing house to the new sewer line to be located within the easement, remove a 24 inch diameter pine tree from the property near the existing house, and remove and reset part of an existing fence within the easement.



And, for the same consideration aforesaid, the Grantor does hereby give, grant, transfer and deliver unto the Grantee and its successors and assigns forever sanitary sewer conduits, manholes, vaults, castings and/or other appurtenances thereto that are now or hereafter constructed or installed in, through, or under the above described land by the Grantor or the Grantor's successors and assigns.

Also granted is the perpetual right and easement at any time and from time to time to clear and keep cleared that portion and areas of the premises wherein the utilities are located, of trees, roots, branches, shrubs, brush, bushes, structures, objects and surfaces as may, in the reasonable opinion of the Grantee, its successors and assigns, interfere with the safe and efficient operation and maintenance of said sanitary sewer and system of sewerage.

The Grantee, for itself, its successors and assigns, further agrees that it will promptly restore the surface disturbed by it in the exercise of the rights herein granted, in a good and workmanlike manner, substantially to the same condition as existed prior to its being disturbed.

Grantor, its successors and assigns may not place any building, shed or other permanent object or encroachment within the easement area which would materially or unreasonably affect and/or interfere with the purpose of the easement.

It is intended that this easement be conveyed by the Grantor to the City of Marlborough. The grant of easement is and shall be binding upon the Grantor, its successors and/or assigns, and inure to the benefit of the Grantee.

Grantor warrants that it has good title to transfer the same, and that it will defend the same against claims of all persons.

In witness whereof, this Grant of Sewer Easement is executed under seal this \_\_ day of

\_\_\_\_\_, 2019.

\_\_\_\_\_  
ALLEN G. SUPYNUK

\_\_\_\_\_  
WENDY MCDONALD

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss

On this \_\_\_st day of \_\_\_\_\_, 2019, before me, the undersigned notary public, personally appeared ALLEN G. SUPYNUK, proved to me through satisfactory evidence of identification, which was \_\_\_\_\_, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose.

\_\_\_\_\_  
Notary Public:  
My Commission Expires:

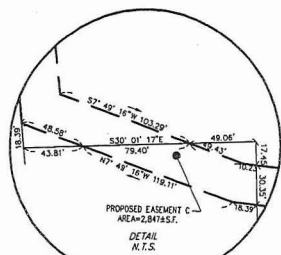
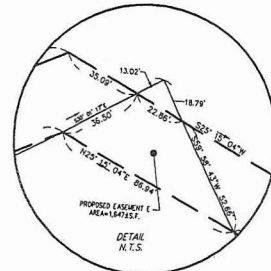
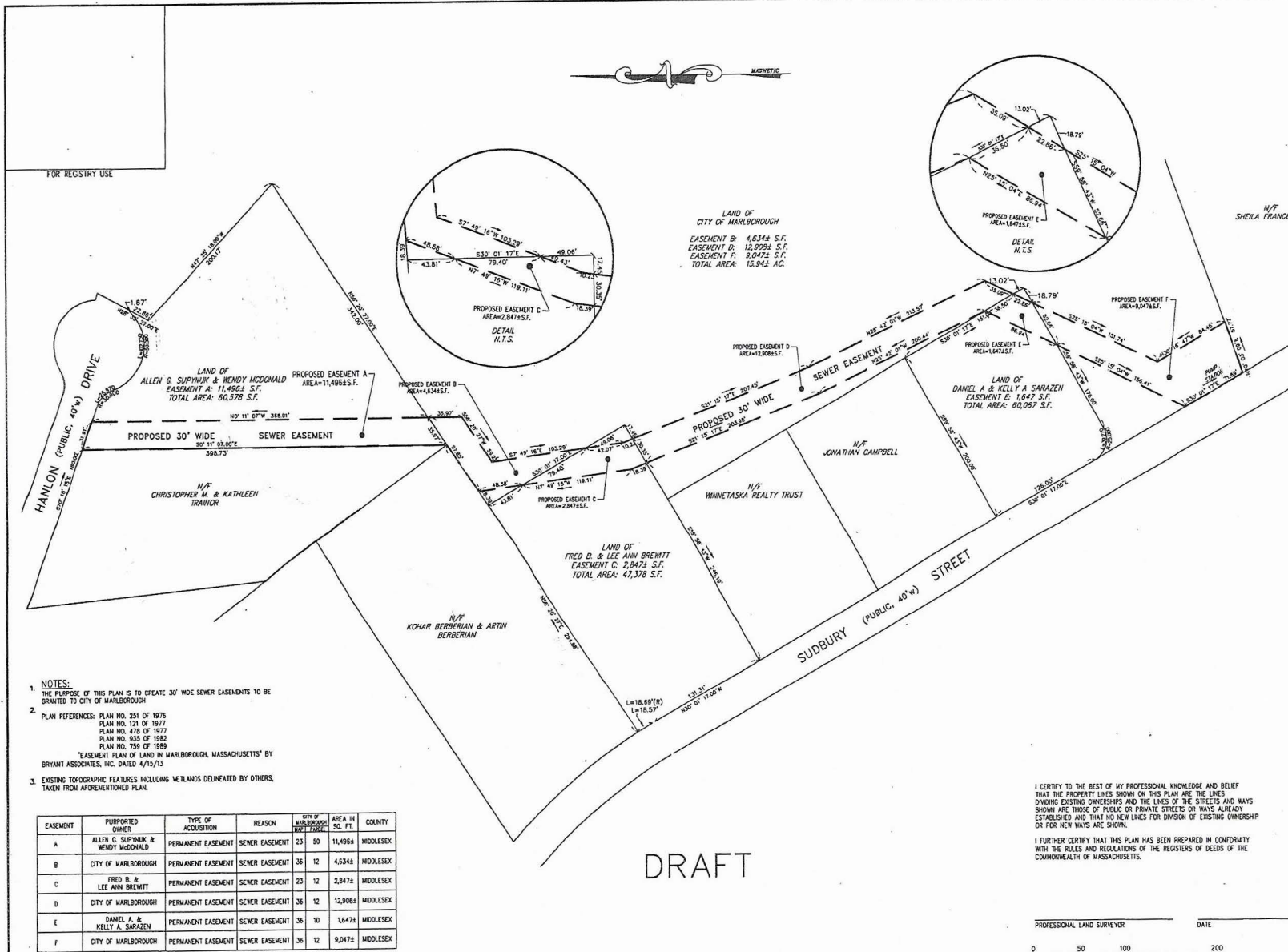
COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss

On this \_\_\_st day of \_\_\_\_\_, 2019, before me, the undersigned notary public, personally appeared WENDY MCDONALD, proved to me through satisfactory evidence of identification, which was \_\_\_\_\_, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose.

\_\_\_\_\_  
Notary Public:  
My Commission Expires:





LAND OF  
CITY OF MARLBOROUGH  
EASEMENT B: 4,634<sup>±</sup> S.F.  
EASEMENT D: 12,908<sup>±</sup> S.F.  
EASEMENT F: 9,047<sup>±</sup> S.F.  
TOTAL AREA: 15,942 AC.

- NOTES:**
- THE PURPOSE OF THIS PLAN IS TO CREATE 30' WIDE SEWER EASEMENTS TO BE GRANTED TO CITY OF MARLBOROUGH
  - PLAN REFERENCES: PLAN NO. 251 OF 1976  
PLAN NO. 121 OF 1977  
PLAN NO. 478 OF 1977  
PLAN NO. 835 OF 1982  
PLAN NO. 759 OF 1989  
'EASEMENT PLAN OF LAND IN MARLBOROUGH, MASSACHUSETTS' BY BRYANT ASSOCIATES, INC. DATED 4/15/13
  - EXISTING TOPOGRAPHIC FEATURES INCLUDING WETLANDS DELINEATED BY OTHERS, TAKEN FROM AFOREMENTIONED PLAN.

EASEMENT	PURPORTED OWNER	TYPE OF ACQUISITION	REASON	CITY OF MARLBOROUGH MAP ID	AREA IN SQ. FT.	COUNTY
A	ALLEN G. SUPINUK & WENDY McDONALD	PERMANENT EASEMENT	SEWER EASEMENT	23 50	11,496 <sup>±</sup>	MIDDLESEX
B	CITY OF MARLBOROUGH	PERMANENT EASEMENT	SEWER EASEMENT	36 12	4,634 <sup>±</sup>	MIDDLESEX
C	FRED B. & LEE ANN BREWITT	PERMANENT EASEMENT	SEWER EASEMENT	23 12	2,847 <sup>±</sup>	MIDDLESEX
D	CITY OF MARLBOROUGH	PERMANENT EASEMENT	SEWER EASEMENT	36 12	12,908 <sup>±</sup>	MIDDLESEX
E	DANIEL A. & KELLY A. SARAZEN	PERMANENT EASEMENT	SEWER EASEMENT	36 10	1,647 <sup>±</sup>	MIDDLESEX
F	CITY OF MARLBOROUGH	PERMANENT EASEMENT	SEWER EASEMENT	36 12	9,047 <sup>±</sup>	MIDDLESEX

DRAFT

I CERTIFY TO THE BEST OF MY PROFESSIONAL KNOWLEDGE AND BELIEF THAT THE PROPERTY LINES SHOWN ON THIS PLAN ARE THE LINES DIVIDING EXISTING OWNERSHIPS AND THE LINES OF THE STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED AND THAT NO NEW LINES FOR DIVISION OF EXISTING OWNERSHIP OR FOR NEW WAYS ARE SHOWN.  
I FURTHER CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMITY WITH THE RULES AND REGULATIONS OF THE REGISTER OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

PROFESSIONAL LAND SURVEYOR DATE  
0 50 100 200  
SCALE: 1"=50'

**CITY OF MARLBOROUGH**  
DEPARTMENT OF PUBLIC WORKS  
Engineering Division  
135 Neil Street  
Marlborough, MA 01752  
p. (508) 624-6910  
f. (508) 624-7699  
www.marblborough-ma.gov

REVISIONS

No.	Date	Description
1.		

Drawn By: \_\_\_\_\_ Designed By: \_\_\_\_\_ Checked By: \_\_\_\_\_ Approved By: \_\_\_\_\_  
BY: \_\_\_\_\_ BY: \_\_\_\_\_ BY: \_\_\_\_\_ BY: \_\_\_\_\_

EASEMENT PLAN OF LAND IN MARLBOROUGH, MA

Sheet No.: 1 of 1  
Date: 6-13-19  
Scale: 1"=50'



# IN CITY COUNCIL

Marlborough, Mass., JUNE 17, 2019  
PAGE 1

## ORDERED:

That the Communication from DPW Commissioner, John Ghiloni, re: Proposed Easement for Sudbury Street Sewer Project, Phase 4, 263 Sudbury Street, as outlined below, be and is herewith refer to **LEGISLATIVE AND LEGAL AFFAIRS COMMITTEE.**

WHEREAS, in the opinion of the City Council of the City of Marlborough, the common convenience and necessity require that the permanent sewer easement shown as "Proposed Easement E", constituting a portion of the "Proposed 30' Wide Sewer Easement" as shown, more or less, on a plan entitled "Easement Plan of Land in Marlborough, MA, Prepared By: City of Marlborough Department of Public Works, Engineering Division, 135 Neil Street, Marlborough, MA 01752, Scale: 1" = 50'; Date: June 10, 2019" (the "Plan"). Containing 1,647+/- square feet, more or less, according to said plan, be accepted as a municipal easement as shown on plan thereof and as hereinafter described:

### DESCRIPTION

The 30'-wide sewer easement shown as "Proposed Easement E", constituting a portion of the "Proposed 30' Wide Sewer Easement" as shown, more or less, on a plan entitled "Easement Plan of Land in Marlborough, MA, Prepared By: City of Marlborough Department of Public Works, Engineering Division, 135 Neil Street, Marlborough, MA 01752, Scale: 1" = 50'; Date: June 10, 2019" (the "Plan"), said plan to be recorded at the Middlesex County South Registry of Deeds herewith. Containing 1,647+/- square feet, more or less, according to said plan. Said easement and plan are attached hereto.

### IT IS THEREFORE ORDERED THAT:

The 30'-wide sewer easement shown as "Proposed Easement E", constituting a portion of the "Proposed 30' Wide Sewer Easement" as shown, more or less, on a plan entitled "Easement Plan of Land in Marlborough, MA, Prepared By: City of Marlborough Department of Public Works, Engineering Division, 135 Neil Street, Marlborough, MA 01752, Scale: 1" = 50'; Date: June 10, 2019" (the "Plan"), said plan to be recorded at the Middlesex County South Registry of Deeds herewith. Containing 1,647+/- square feet, more or less, according to said plan. Said easement and plan are attached hereto.

Being portions of the property owned by DANIEL A. SARAZEN and KELLY A. SARAZEN and described in a deed recorded in the Middlesex South District Registry of Deeds, in Book 49004 Page 82, be accepted as a municipal easement in the City of Marlborough.





# IN CITY COUNCIL

Marlborough, Mass., JUNE 17, 2019  
PAGE 2

ORDERED:

## GRANT OF SEWER EASEMENT

DANIEL A. SARAZEN and KELLY A. SARAZEN, of Marlborough, Mass., hereinafter known, collectively, as Grantors, its successors and assigns, in consideration of the payment of One Dollar (\$1.00) and other good and valuable consideration as provided in the covenants herein, receipt and sufficiency of which is hereby acknowledged,

Hereby grant to the CITY OF MARLBOROUGH, a municipal corporation formed under the laws of the Commonwealth of Massachusetts, and having an address at 140 Main Street, Marlborough, MA 01752 in Middlesex County, hereinafter referred to as Grantee, its successors and assigns forever, with quitclaim covenants, an exclusive and perpetual right and easement to operate, construct, maintain, replace, repair, inspect, and improve a sanitary sewer, a system of sewerage, and other appurtenances thereto to consisting of but not limited to pipes, conduits, manholes, vaults and castings on, through, over and under a portion of land located off of Sudbury Street, Marlborough, Middlesex County, Massachusetts and being more particularly described as follows:

### DESCRIPTION

The 30'-wide sewer easement shown as "Proposed Easement E", constituting a portion of the "Proposed 30' Wide Sewer Easement" as shown, more or less, on a plan entitled "Easement Plan of Land in Marlborough, MA, Prepared By: City of Marlborough Department of Public Works, Engineering Division, 135 Neil Street, Marlborough, MA 01752, Scale: 1" = 50'; Date: June 10, 2019" (the "Plan"), said plan to be recorded at the Middlesex County South Registry of Deeds herewith.

Containing 1,647+/- square feet, more or less, according to said plan.

Being portions of the property owned by the Grantor and described in a deed recorded in the Middlesex South District Registry of Deeds, in Book 49004 Page 82.

The above granted rights being more particularly described as the right to lay, inspect, construct, reconstruct, relocate, operate, maintain, alter, renew, replace, add to and remove for a sanitary sewer and system of sewerage the necessary pipes, conduits, manholes, vaults, castings and/or other appurtenances that are or shall be required to install and operate a sewer line, on, over and under the easement area and to do all other acts incidental to the foregoing, including the right to pass and repass over the land of Grantor, its successors and assigns, with people, equipment, supplies for access thereto for all of the above purposes.

And, Grantee shall remove three certain dead trees and a treehouse on the Property.





# IN CITY COUNCIL

Marlborough, Mass., JUNE 17, 2019  
PAGE 3

## ORDERED:

And, for the same consideration aforesaid, the Grantor does hereby give, grant, transfer and deliver unto the Grantee and its successors and assigns forever sanitary sewer conduits, manholes, vaults, castings and/or other appurtenances thereto that are now or hereafter constructed or installed in, through, or under the above described land by the Grantor or the Grantor's successors and assigns.

Also granted is the perpetual right and easement at any time and from time to time to clear and keep cleared that portion and areas of the premises wherein the utilities are located, of trees, roots, branches, shrubs, brush, bushes, structures, objects and surfaces as may, in the reasonable opinion of the Grantee, its successors and assigns, interfere with the safe and efficient operation and maintenance of said sanitary sewer and system of sewerage.

The Grantee, for itself, its successors and assigns, further agrees that it will promptly restore the surface disturbed by it in the exercise of the rights herein granted, in a good and workmanlike manner, substantially to the same condition as existed prior to its being disturbed.

Grantor, its successors and assigns may not place any building, shed or other permanent object or encroachment within the easement area which would materially or unreasonably affect and/or interfere with the purpose of the easement.

It is intended that this easement be conveyed by the Grantor to the City of Marlborough. The grant of easement is and shall be binding upon the Grantor, its successors and/or assigns, and inure to the benefit of the Grantee.

Grantor warrants that it has good title to transfer the same, and that it will defend the same against claims of all persons.

In witness whereof, this Grant of Sewer Easement is executed under seal this \_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
DANIEL A. SARAZEN

\_\_\_\_\_  
KELLY A. SARAZEN



# IN CITY COUNCIL

Marlborough, Mass., JUNE 17, 2019  
PAGE 4

ORDERED:

## COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss

On this \_\_\_st day of \_\_\_\_\_, 2019, before me, the undersigned notary public, personally appeared DANIEL A. SARAZEN, proved to me through satisfactory evidence of identification, which was \_\_\_\_\_, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose.

\_\_\_\_\_  
Notary Public:  
My Commission Expires:

## COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss

On this \_\_\_st day of \_\_\_\_\_, 2019, before me, the undersigned notary public, personally appeared KELLY A. SARAZEN, proved to me through satisfactory evidence of identification, which was \_\_\_\_\_, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose.

\_\_\_\_\_  
Notary Public:  
My Commission Expires:

ADOPTED

ORDER NO. 19-1007718

10



City of Marlborough

Department of Public Works

135 NEIL STREET  
MARLBOROUGH, MASSACHUSETTS 01752  
TEL. 508-624-6910  
\*TDD 508-460-3610

RECEIVED  
CLERK'S OFFICE  
CITY OF MARLBOROUGH  
JOHN L. GHILONI  
COMMISSIONER  
2019 JUN 13 A 11:50

LL

June 13, 2019

Arthur G. Vigeant, Mayor  
City Hall  
140 Main Street  
Marlborough, MA 01752

Re: Proposed Easement for Sudbury Street Sewer Project, Phase 4 (263 Sudbury Street)

Dear Mayor Vigeant:

I request that you send to the City Council, for their action, the enclosed proposed order and form of Grant of Sewer Easement to the City of Marlborough from Daniel and Kelly Sarazen, in connection with the Sudbury Street Sewer Project, Phase 4, scheduled for construction during Summer 2019. The documents, which have been reviewed by the Legal Department and are in proper legal form are currently being reviewed by the property owners and will be signed prior to a request for vote by the City Council.

City Engineer Thomas DiPersio, Jr., is available to answer any questions concerning this matter. Please feel free to contact me as well if you have any questions or concerns.

Respectfully,

John L. Ghiloni  
Commissioner of Public Works

Enclosure

cc: Jason D. Grossfield, City Solicitor  
Thomas DiPersio, Jr., City Engineer

THEODORE L. SCOTT, P.E.  
ASST. COMMISSIONER, OPERATIONS

THOMAS DIPERSIO, JR. P.E., P.L.S.  
CITY ENGINEER



ORDERED:

WHEREAS, in the opinion of the City Council of the City of Marlborough, the common convenience and necessity require that the permanent sewer easement shown as "Proposed Easement E", constituting a portion of the "Proposed 30' Wide Sewer Easement" as shown, more or less, on a plan entitled "Easement Plan of Land in Marlborough, MA, Prepared By: City of Marlborough Department of Public Works, Engineering Division, 135 Neil Street, Marlborough, MA 01752, Scale: 1" = 50'; Date: June 10, 2019" (the "Plan"). Containing 1,647+/- square feet, more or less, according to said plan, be accepted as a municipal easement as shown on plan thereof and as hereinafter described:

DESCRIPTION

The 30'-wide sewer easement shown as "Proposed Easement E", constituting a portion of the "Proposed 30' Wide Sewer Easement" as shown, more or less, on a plan entitled "Easement Plan of Land in Marlborough, MA, Prepared By: City of Marlborough Department of Public Works, Engineering Division, 135 Neil Street, Marlborough, MA 01752, Scale: 1" = 50'; Date: June 10, 2019" (the "Plan"), said plan to be recorded at the Middlesex County South Registry of Deeds herewith. Containing 1,647+/- square feet, more or less, according to said plan. Said easement and plan are attached hereto.

IT IS THEREFORE ORDERED THAT:

The 30'-wide sewer easement shown as "Proposed Easement E", constituting a portion of the "Proposed 30' Wide Sewer Easement" as shown, more or less, on a plan entitled "Easement Plan of Land in Marlborough, MA, Prepared By: City of Marlborough Department of Public Works, Engineering Division, 135 Neil Street, Marlborough, MA 01752, Scale: 1" = 50'; Date: June 10, 2019" (the "Plan"), said plan to be recorded at the Middlesex County South Registry of Deeds herewith. Containing 1,647+/- square feet, more or less, according to said plan. Said easement and plan are attached hereto.

Being portions of the property owned by DANIEL A. SARAZEN and KELLY A. SARAZEN and described in a deed recorded in the Middlesex South District Registry of Deeds, in Book 49004 Page 82, be accepted as a municipal easement in the City of Marlborough.

ADOPTED  
In City Council  
Order No. 19-  
Adopted

Approved by Mayor  
Arthur G. Vigeant  
Date:

A TRUE COPY  
ATTEST:

## GRANT OF SEWER EASEMENT

DANIEL A. SARAZEN and KELLY A. SARAZEN, of Marlborough, Mass., hereinafter known, collectively, as Grantors, its successors and assigns, in consideration of the payment of One Dollar (\$1.00) and other good and valuable consideration as provided in the covenants herein, receipt and sufficiency of which is hereby acknowledged,

Hereby grant to the CITY OF MARLBOROUGH, a municipal corporation formed under the laws of the Commonwealth of Massachusetts, and having an address at 140 Main Street, Marlborough, MA 01752 in Middlesex County, hereinafter referred to as Grantee, its successors and assigns forever, with quitclaim covenants, an exclusive and perpetual right and easement to operate, construct, maintain, replace, repair, inspect, and improve a sanitary sewer, a system of sewerage, and other appurtenances thereto to consisting of but not limited to pipes, conduits, manholes, vaults and castings on, through, over and under a portion of land located off of Sudbury Street, Marlborough, Middlesex County, Massachusetts and being more particularly described as follows:

### DESCRIPTION

The 30'-wide sewer easement shown as "Proposed Easement E", constituting a portion of the "Proposed 30' Wide Sewer Easement" as shown, more or less, on a plan entitled "Easement Plan of Land in Marlborough, MA, Prepared By: City of Marlborough Department of Public Works, Engineering Division, 135 Neil Street, Marlborough, MA 01752, Scale: 1" = 50'; Date: June 10, 2019" (the "Plan"), said plan to be recorded at the Middlesex County South Registry of Deeds herewith.

Containing 1,647+/- square feet, more or less, according to said plan.

Being portions of the property owned by the Grantor and described in a deed recorded in the Middlesex South District Registry of Deeds, in Book 49004 Page 82.

The above granted rights being more particularly described as the right to lay, inspect, construct, reconstruct, relocate, operate, maintain, alter, renew, replace, add to and remove for a sanitary sewer and system of sewerage the necessary pipes, conduits, manholes, vaults, castings and/or other appurtenances that are or shall be required to install and operate a sewer line, on, over and under the easement area and to do all other acts incidental to the foregoing, including the right to pass and repass over the land of Grantor, its successors and assigns, with people, equipment, supplies for access thereto for all of the above purposes.

And, Grantee shall remove three certain dead trees and a treehouse on the Property.

And, for the same consideration aforesaid, the Grantor does hereby give, grant, transfer and



deliver unto the Grantee and its successors and assigns forever sanitary sewer conduits, manholes, vaults, castings and/or other appurtenances thereto that are now or hereafter constructed or installed in, through, or under the above described land by the Grantor or the Grantor's successors and assigns.

Also granted is the perpetual right and easement at any time and from time to time to clear and keep cleared that portion and areas of the premises wherein the utilities are located, of trees, roots, branches, shrubs, brush, bushes, structures, objects and surfaces as may, in the reasonable opinion of the Grantee, its successors and assigns, interfere with the safe and efficient operation and maintenance of said sanitary sewer and system of sewerage.

The Grantee, for itself, its successors and assigns, further agrees that it will promptly restore the surface disturbed by it in the exercise of the rights herein granted, in a good and workmanlike manner, substantially to the same condition as existed prior to its being disturbed.

Grantor, its successors and assigns may not place any building, shed or other permanent object or encroachment within the easement area which would materially or unreasonably affect and/or interfere with the purpose of the easement.

It is intended that this easement be conveyed by the Grantor to the City of Marlborough. The grant of easement is and shall be binding upon the Grantor, its successors and/or assigns, and inure to the benefit of the Grantee.

Grantor warrants that it has good title to transfer the same, and that it will defend the same against claims of all persons.

In witness whereof, this Grant of Sewer Easement is executed under seal this \_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
DANIEL A. SARAZEN

\_\_\_\_\_  
KELLY A. SARAZEN



COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss

On this \_\_\_st day of \_\_\_\_\_, 2019, before me, the undersigned notary public, personally appeared DANIEL A. SARAZEN, proved to me through satisfactory evidence of identification, which was \_\_\_\_\_, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose.

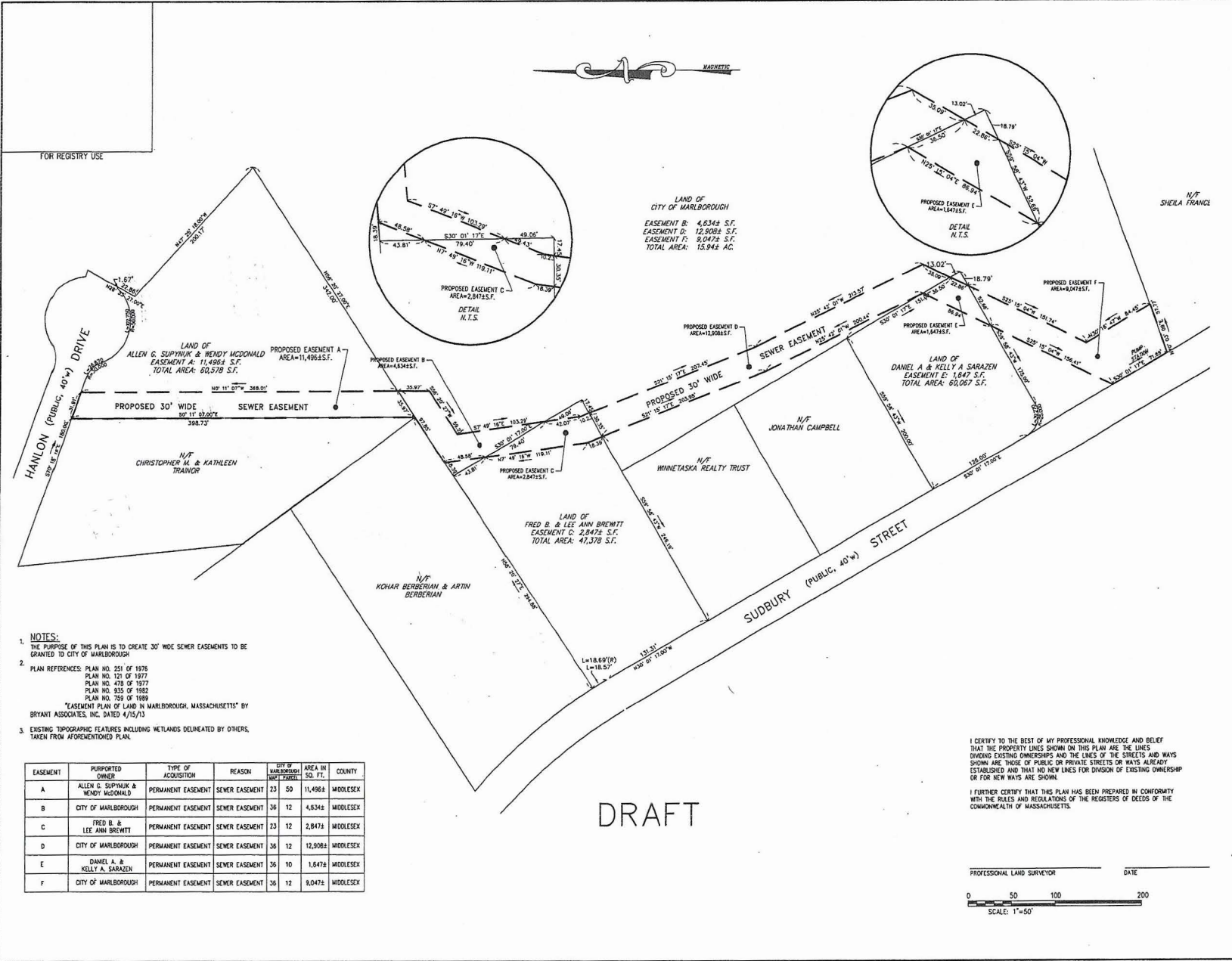
\_\_\_\_\_  
Notary Public:  
My Commission Expires:

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss

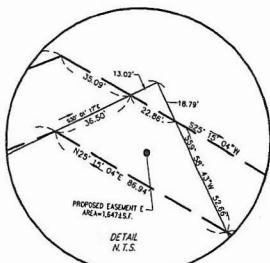
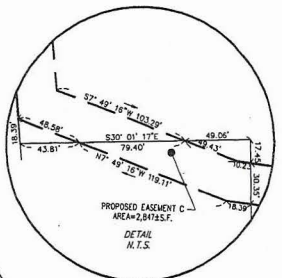
On this \_\_\_st day of \_\_\_\_\_, 2019, before me, the undersigned notary public, personally appeared KELLY A. SARAZEN, proved to me through satisfactory evidence of identification, which was \_\_\_\_\_, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose.

\_\_\_\_\_  
Notary Public:  
My Commission Expires:



FOR REGISTRY USE

LAND OF CITY OF MARLBOROUGH  
 EASEMENT B: 4,634± S.F.  
 EASEMENT D: 12,908± S.F.  
 EASEMENT F: 9,047± S.F.  
 TOTAL AREA: 15,94± AC.



- NOTES:
- THE PURPOSE OF THIS PLAN IS TO CREATE 30' WIDE SEWER EASEMENTS TO BE GRANTED TO CITY OF MARLBOROUGH.
  - PLAN REFERENCES: PLAN NO. 251 OF 1876  
 PLAN NO. 121 OF 1977  
 PLAN NO. 478 OF 1977  
 PLAN NO. 835 OF 1982  
 PLAN NO. 759 OF 1989  
 "EASEMENT PLAN OF LAND IN MARLBOROUGH, MASSACHUSETTS" BY BRYANT ASSOCIATES, INC. DATED 4/15/83
  - EXISTING TOPOGRAPHIC FEATURES INCLUDING WETLANDS DELINEATED BY OTHERS, TAKEN FROM AFORESAID PLAN.

DRAFT

I CERTIFY TO THE BEST OF MY PROFESSIONAL KNOWLEDGE AND BELIEF THAT THE PROPERTY LINES SHOWN ON THIS PLAN ARE THE LINES DIVIDING EXISTING OWNERSHIPS AND THE LINES OF THE STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED AND THAT NO NEW LINES FOR DIVISION OF EXISTING OWNERSHIP OR FOR NEW WAYS ARE SHOWN.

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

PROFESSIONAL LAND SURVEYOR \_\_\_\_\_ DATE \_\_\_\_\_

0 50 100 200  
 SCALE: 1"=50'

EASEMENT	PURPORTED OWNER	TYPE OF ACQUISITION	REASON	CITY OF MARLBOROUGH MAP NUMBER	AREA IN SQ. FT.	COUNTY
A	ALLEN G. SUPYNIK & WENDY McDONALD	PERMANENT EASEMENT	SEWER EASEMENT	23	50	MIDDLESEX
B	CITY OF MARLBOROUGH	PERMANENT EASEMENT	SEWER EASEMENT	38	12, 4,634±	MIDDLESEX
C	FRED B & LEE ANN BREWITT	PERMANENT EASEMENT	SEWER EASEMENT	23	12, 2,847±	MIDDLESEX
D	CITY OF MARLBOROUGH	PERMANENT EASEMENT	SEWER EASEMENT	36	12, 12,908±	MIDDLESEX
E	DANIEL A & KELLY A. SARAZEN	PERMANENT EASEMENT	SEWER EASEMENT	36	10, 1,647±	MIDDLESEX
F	CITY OF MARLBOROUGH	PERMANENT EASEMENT	SEWER EASEMENT	36	12, 9,047±	MIDDLESEX

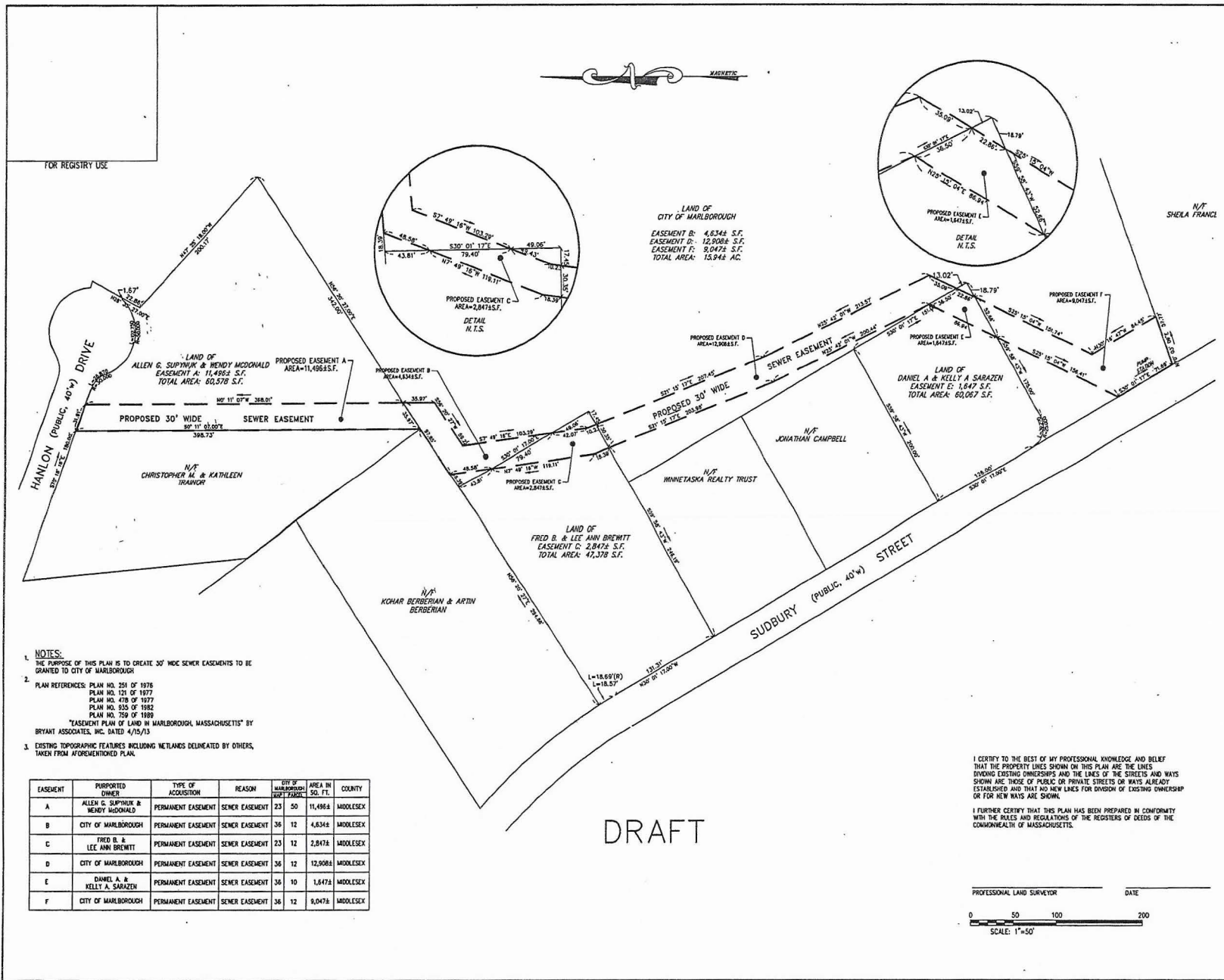
**CITY OF MARLBOROUGH**  
 DEPARTMENT OF PUBLIC WORKS  
 Engineering Division  
 135 Neil Street  
 Marlborough, MA 01752  
 p. (508) 624-6910  
 f. (508) 624-7699  
 www.marlborough-ma.gov

REVISIONS	
No.	Description
1.	

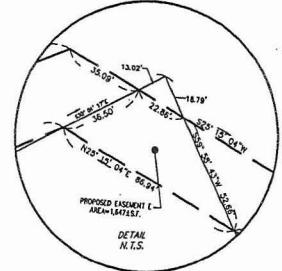
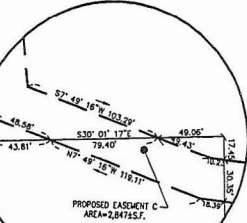
Drawn By: \_\_\_\_\_ Checked By: \_\_\_\_\_ Approved By: \_\_\_\_\_  
 SH \_\_\_\_\_ IT \_\_\_\_\_ SP \_\_\_\_\_

EASEMENT PLAN OF LAND IN MARLBOROUGH, MA

Contact \_\_\_\_\_ Sheet No. \_\_\_\_\_  
 Date 6-13-19 1 of 1  
 Scale 1"=50'



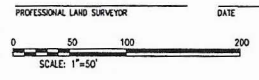
LAND OF  
CITY OF MARLBOROUGH  
EASEMENT B: 4,634 S.F.  
EASEMENT D: 12,908 S.F.  
EASEMENT F: 9,047 S.F.  
TOTAL AREA: 15,948 AC.



- NOTES:**
- THE PURPOSE OF THIS PLAN IS TO CREATE 30' WIDE SEWER EASEMENTS TO BE GRANTED TO CITY OF MARLBOROUGH
  - PLAN REFERENCES: PLAN NO. 251 OF 1976  
PLAN NO. 121 OF 1977  
PLAN NO. 478 OF 1977  
PLAN NO. 935 OF 1982  
PLAN NO. 759 OF 1989  
"EASEMENT PLAN OF LAND IN MARLBOROUGH, MASSACHUSETTS" BY BRYANT ASSOCIATES, INC. DATED 4/15/13
  - EXISTING TOPOGRAPHIC FEATURES INCLUDING WETLANDS DELINEATED BY OTHERS, TAKEN FROM AFOREMENTIONED PLAN.

EASEMENT	SUPPORIED OWNER	TYPE OF ACQUISITION	REASON	CITY OF MARLBOROUGH DEPT. PUBLIC WORKS	AREA IN SQ. FT.	COUNTY
A	ALLEN G. SUPPYNK & WENDY MCDONALD	PERMANENT EASEMENT	SEWER EASEMENT	23	11,486±	MIDDLESEX
B	CITY OF MARLBOROUGH	PERMANENT EASEMENT	SEWER EASEMENT	36	4,634±	MIDDLESEX
C	FRED B. & LEE ANN BREWITT	PERMANENT EASEMENT	SEWER EASEMENT	23	2,847±	MIDDLESEX
D	CITY OF MARLBOROUGH	PERMANENT EASEMENT	SEWER EASEMENT	36	12,908±	MIDDLESEX
E	DANIEL A. & KELLY A. SARAZEN	PERMANENT EASEMENT	SEWER EASEMENT	34	1,647±	MIDDLESEX
F	CITY OF MARLBOROUGH	PERMANENT EASEMENT	SEWER EASEMENT	12	9,047±	MIDDLESEX

DRAFT



**CITY OF MARLBOROUGH**

DEPARTMENT OF PUBLIC WORKS

Engineering Division  
135 Neil Street  
Marlborough, MA 01752  
p. (508) 624-6910  
f. (508) 624-7699  
www.marlborough-ma.gov

REVISIONS	
No.	Description
1.	

Drawn By: \_\_\_\_\_ Designed By: \_\_\_\_\_ Checked By: \_\_\_\_\_ Agreed By: \_\_\_\_\_

**EASEMENT PLAN OF LAND IN MARLBOROUGH, MA**

Contract No.	Sheet No.
Date: 5-13-19	1 of 1
Scale: 1"=50'	





# IN CITY COUNCIL

Marlborough, Mass.,                      JUNE 17, 2019  
PAGE 1

ORDERED:

That the Communication from DPW Commissioner, John Ghiloni, re: Proposed Easement for Sudbury Street Sewer Project, Phase 4, 299 Sudbury Street, as outlined below, be and is herewith refer to **LEGISLATIVE AND LEGAL AFFAIRS COMMITTEE.**

WHEREAS, in the opinion of the City Council of the City of Marlborough, the common convenience and necessity require that the permanent sewer easement shown as "Proposed Easement C", constituting a portion of the "Proposed 30' Wide Sewer Easement" as shown, more or less, on a plan entitled "Easement Plan of Land in Marlborough, MA, Prepared By: City of Marlborough Department of Public Works, Engineering Division, 135 Neil Street, Marlborough, MA 01752, Scale: 1" = 50'; Date: June 10, 2019" (the "Plan"), containing 2,847+/- square feet, more or less, according to said plan, be accepted as a municipal easement as shown on plan thereof and as hereinafter described:

## DESCRIPTION

The 30'-wide sewer easement shown as "Proposed Easement C", constituting a portion of the "Proposed 30' Wide Sewer Easement" as shown, more or less, on a plan entitled "Easement Plan of Land in Marlborough, MA, Prepared By: City of Marlborough Department of Public Works, Engineering Division, 135 Neil Street, Marlborough, MA 01752, Scale: 1" = 50'; Date: June 10, 2019" (the "Plan"), said plan to be recorded at the Middlesex County South Registry of Deeds herewith. Containing 2,847+/- square feet, more or less, according to said plan. Said easement and plan are attached hereto.

IT IS THEREFORE ORDERED THAT:

The 30'-wide sewer easement shown as "Proposed Easement C", constituting a portion of the "Proposed 30' Wide Sewer Easement" as shown, more or less, on a plan entitled "Easement Plan of Land in Marlborough, MA, Prepared By: City of Marlborough Department of Public Works, Engineering Division, 135 Neil Street, Marlborough, MA 01752, Scale: 1" = 50'; Date: June 10, 2019" (the "Plan"), said plan to be recorded at the Middlesex County South Registry of Deeds herewith. Containing 2,847+/- square feet, more or less, according to said plan. Said easement and plan are attached hereto.

Being portions of the property owned by FRED B. BREWITT and LEE ANN A. BREWITT and described in a deed recorded in the Middlesex South District Registry of Deeds, in Book 11198 Page 484, be accepted as a municipal easement in the City of Marlborough.

# IN CITY COUNCIL



Marlborough, Mass., JUNE 17, 2019

PAGE 2

ORDERED:

## GRANT OF SEWER EASEMENT

FRED B. BREWITT and LEE ANN A. BREWITT, of Marlborough, Mass., hereinafter known, collectively, as Grantors, its successors and assigns, in consideration of the payment of One Dollar (\$1.00) and other good and valuable consideration as provided in the covenants herein, receipt and sufficiency of which is hereby acknowledged,

Hereby grant to the CITY OF MARLBOROUGH, a municipal corporation formed under the laws of the Commonwealth of Massachusetts, and having an address at 140 Main Street, Marlborough, MA 01752 in Middlesex County, hereinafter referred to as Grantee, its successors

and assigns forever, with quitclaim covenants, an exclusive and perpetual right and easement to operate, construct, maintain, replace, repair, inspect, and improve a sanitary sewer, a system of sewerage, and other appurtenances thereto to consisting of but not limited to pipes, conduits, manholes, vaults and castings on, through, over and under a portion of land located off of Sudbury Street, Marlborough, Middlesex County, Massachusetts and being more particularly described as follows:

### DESCRIPTION

The 30'-wide sewer easement shown as "Proposed Easement C", constituting a portion of the "Proposed 30' Wide Sewer Easement" as shown, more or less, on a plan entitled "Easement Plan of Land in Marlborough, MA, Prepared By: City of Marlborough Department of Public Works, Engineering Division, 135 Neil Street, Marlborough, MA 01752, Scale: 1" = 50'; Date: June 10, 2019" (the "Plan"), said plan to be recorded at the Middlesex County South Registry of Deeds herewith.

Containing 2,847+/- square feet, more or less, according to said plan.

Being portions of the property owned by the Grantor and described in a deed recorded in the Middlesex South District Registry of Deeds, in Book 11198 Page 484.

The above granted rights being more particularly described as the right to lay, inspect, construct, reconstruct, relocate, operate, maintain, alter, renew, replace, add to and remove for a sanitary sewer and system of sewerage the necessary pipes, conduits, manholes, vaults, castings and/or other appurtenances that are or shall be required to install and operate a sewer line, on, over and under the easement area and to do all other acts incidental to the foregoing, including the right to pass and repass over the land of Grantor, its successors and assigns, with people, equipment, supplies for access thereto for all of the above purposes.

And, Grantee shall construct a sewer connection stub and approximately twenty five feet of service piping for connection of the existing house to the new sewer line to be located within the easement.





# IN CITY COUNCIL

Marlborough, Mass., JUNE 17, 2019  
PAGE 3

ORDERED:

And, for the same consideration aforesaid, the Grantor does hereby give, grant, transfer and deliver unto the Grantee and its successors and assigns forever sanitary sewer conduits, manholes, vaults, castings and/or other appurtenances thereto that are now or hereafter constructed or installed in, through, or under the above described land by the Grantor or the Grantor's successors and assigns.

Also granted is the perpetual right and easement at any time and from time to time to clear and keep cleared that portion and areas of the premises wherein the utilities are located, of trees, roots, branches, shrubs, brush, bushes, structures, objects and surfaces as may, in the reasonable opinion of the Grantee, its successors and assigns, interfere with the safe and efficient operation and maintenance of said sanitary sewer and system of sewerage.

The Grantee, for itself, its successors and assigns, further agrees that it will promptly restore the surface disturbed by it in the exercise of the rights herein granted, in a good and workmanlike manner, substantially to the same condition as existed prior to its being disturbed.

Grantor, its successors and assigns may not place any building, shed or other permanent object or encroachment within the easement area which would materially or unreasonably affect and/or interfere with the purpose of the easement.

It is intended that this easement be conveyed by the Grantor to the City of Marlborough. The grant of easement is and shall be binding upon the Grantor, its successors and/or assigns, and inure to the benefit of the Grantee.

Grantor warrants that it has good title to transfer the same, and that it will defend the same against claims of all persons.

In witness whereof, this Grant of Sewer Easement is executed under seal this \_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Fred B. Brewitt

\_\_\_\_\_  
Lee Ann A. Brewitt





# IN CITY COUNCIL

Marlborough, Mass., JUNE 17, 2019  
PAGE 4

ORDERED:

## COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss

On this \_\_\_st day of \_\_\_\_\_, 2019, before me, the undersigned notary public, personally appeared Fred B. Brewitt, proved to me through satisfactory evidence of identification, which was \_\_\_\_\_, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose.

\_\_\_\_\_  
Notary Public:  
My Commission Expires:

## COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss

On this \_\_\_st day of \_\_\_\_\_, 2019, before me, the undersigned notary public, personally appeared Lee Ann A. Brewitt, proved to me through satisfactory evidence of identification, which was \_\_\_\_\_, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose.

\_\_\_\_\_  
Notary Public:  
My Commission Expires:

ADOPTED

ORDER NO. 19-1007719



*City of Marlborough*  
**Department of Public Works**

135 NEIL STREET  
MARLBOROUGH, MASSACHUSETTS 01752  
TEL. 508-624-6910  
\*TDD 508-460-3610

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH  
JOHN L. GHILONI  
COMMISSIONER  
2019 JUN 13 A 11:50

June 13, 2019

Arthur G. Vigeant, Mayor  
City Hall  
140 Main Street  
Marlborough, MA 01752

Re: Proposed Easement for Sudbury Street Sewer Project, Phase 4 (299 Sudbury Street)

Dear Mayor Vigeant:

I request that you send to the City Council, for their action, the enclosed proposed order and form of Grant of Sewer Easement to the City of Marlborough from Fred and Lee Ann Brewitt, in connection with the Sudbury Street Sewer Project, Phase 4, scheduled for construction during Summer 2019. The documents, which have been reviewed by the Legal Department and are in proper legal form are currently being reviewed by the property owners and will be signed prior to a request for vote by the City Council.

City Engineer Thomas DiPersio, Jr., is available to answer any questions concerning this matter. Please feel free to contact me as well if you have any questions or concerns.

Respectfully,

John L. Ghiloni  
Commissioner of Public Works

Enclosure

cc: Jason D. Grossfield, City Solicitor  
Thomas DiPersio, Jr., City Engineer

THEODORE L. SCOTT, P.E.  
ASST. COMMISSIONER, OPERATIONS

THOMAS DIPERSIO, JR. P.E., P.L.S.  
CITY ENGINEER

ORDERED:

WHEREAS, in the opinion of the City Council of the City of Marlborough, the common convenience and necessity require that the permanent sewer easement shown as "Proposed Easement C", constituting a portion of the "Proposed 30' Wide Sewer Easement" as shown, more or less, on a plan entitled "Easement Plan of Land in Marlborough, MA, Prepared By: City of Marlborough Department of Public Works, Engineering Division, 135 Neil Street, Marlborough, MA 01752, Scale: 1" = 50'; Date: June 10, 2019" (the "Plan"), containing 2,847+/- square feet, more or less, according to said plan, be accepted as a municipal easement as shown on plan thereof and as hereinafter described:

DESCRIPTION

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Being portions of the property owned by FRED B. BREWITT and LEE ANN A. BREWITT and described in a deed recorded in the Middlesex South District Registry of Deeds, in Book 11198 Page 484, be accepted as a municipal easement in the City of Marlborough.

ADOPTED  
In City Council  
Order No. 19-  
Adopted

Approved by Mayor  
Arthur G. Vigeant  
Date:

A TRUE COPY  
ATTEST:



## GRANT OF SEWER EASEMENT

FRED B. BREWITT and LEE ANN A. BREWITT, of Marlborough, Mass., hereinafter known, collectively, as Grantors, its successors and assigns, in consideration of the payment of One Dollar (\$1.00) and other good and valuable consideration as provided in the covenants herein, receipt and sufficiency of which is hereby acknowledged,

Hereby grant to the CITY OF MARLBOROUGH, a municipal corporation formed under the laws of the Commonwealth of Massachusetts, and having an address at 140 Main Street, Marlborough, MA 01752 in Middlesex County, hereinafter referred to as Grantee, its successors and assigns forever, with quitclaim covenants, an exclusive and perpetual right and easement to operate, construct, maintain, replace, repair, inspect, and improve a sanitary sewer, a system of sewerage, and other appurtenances thereto to consisting of but not limited to pipes, conduits, manholes, vaults and castings on, through, over and under a portion of land located off of Sudbury Street, Marlborough, Middlesex County, Massachusetts and being more particularly described as follows:

### DESCRIPTION

The 30'-wide sewer easement shown as "Proposed Easement C", constituting a portion of the "Proposed 30' Wide Sewer Easement" as shown, more or less, on a plan entitled "Easement Plan of Land in Marlborough, MA, Prepared By: City of Marlborough Department of Public Works, Engineering Division, 135 Neil Street, Marlborough, MA 01752, Scale: 1" = 50'; Date: June 10, 2019" (the "Plan"), said plan to be recorded at the Middlesex County South Registry of Deeds herewith.

Containing 2,847+/- square feet, more or less, according to said plan.

Being portions of the property owned by the Grantor and described in a deed recorded in the Middlesex South District Registry of Deeds, in Book 11198 Page 484.

The above granted rights being more particularly described as the right to lay, inspect, construct, reconstruct, relocate, operate, maintain, alter, renew, replace, add to and remove for a sanitary sewer and system of sewerage the necessary pipes, conduits, manholes, vaults, castings and/or other appurtenances that are or shall be required to install and operate a sewer line, on, over and under the easement area and to do all other acts incidental to the foregoing, including the right to pass and repass over the land of Grantor, its successors and assigns, with people, equipment, supplies for access thereto for all of the above purposes.

And, Grantee shall construct a sewer connection stub and approximately twenty five feet of service piping for connection of the existing house to the new sewer line to be located within the easement.

And, for the same consideration aforesaid, the Grantor does hereby give, grant, transfer and

deliver unto the Grantee and its successors and assigns forever sanitary sewer conduits, manholes, vaults, castings and/or other appurtenances thereto that are now or hereafter constructed or installed in, through, or under the above described land by the Grantor or the Grantor's successors and assigns.

Also granted is the perpetual right and easement at any time and from time to time to clear and keep cleared that portion and areas of the premises wherein the utilities are located, of trees, roots, branches, shrubs, brush, bushes, structures, objects and surfaces as may, in the reasonable opinion of the Grantee, its successors and assigns, interfere with the safe and efficient operation and maintenance of said sanitary sewer and system of sewerage.

The Grantee, for itself, its successors and assigns, further agrees that it will promptly restore the surface disturbed by it in the exercise of the rights herein granted, in a good and workmanlike manner, substantially to the same condition as existed prior to its being disturbed.

Grantor, its successors and assigns may not place any building, shed or other permanent object or encroachment within the easement area which would materially or unreasonably affect and/or interfere with the purpose of the easement.

It is intended that this easement be conveyed by the Grantor to the City of Marlborough. The grant of easement is and shall be binding upon the Grantor, its successors and/or assigns, and inure to the benefit of the Grantee.

Grantor warrants that it has good title to transfer the same, and that it will defend the same against claims of all persons.

In witness whereof, this Grant of Sewer Easement is executed under seal this \_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Fred B. Brewitt

\_\_\_\_\_  
Lee Ann A. Brewitt

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss

On this \_\_\_st day of \_\_\_\_\_, 2019, before me, the undersigned notary public, personally appeared Fred B. Brewitt, proved to me through satisfactory evidence of identification, which was \_\_\_\_\_, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose.

\_\_\_\_\_  
Notary Public:  
My Commission Expires:

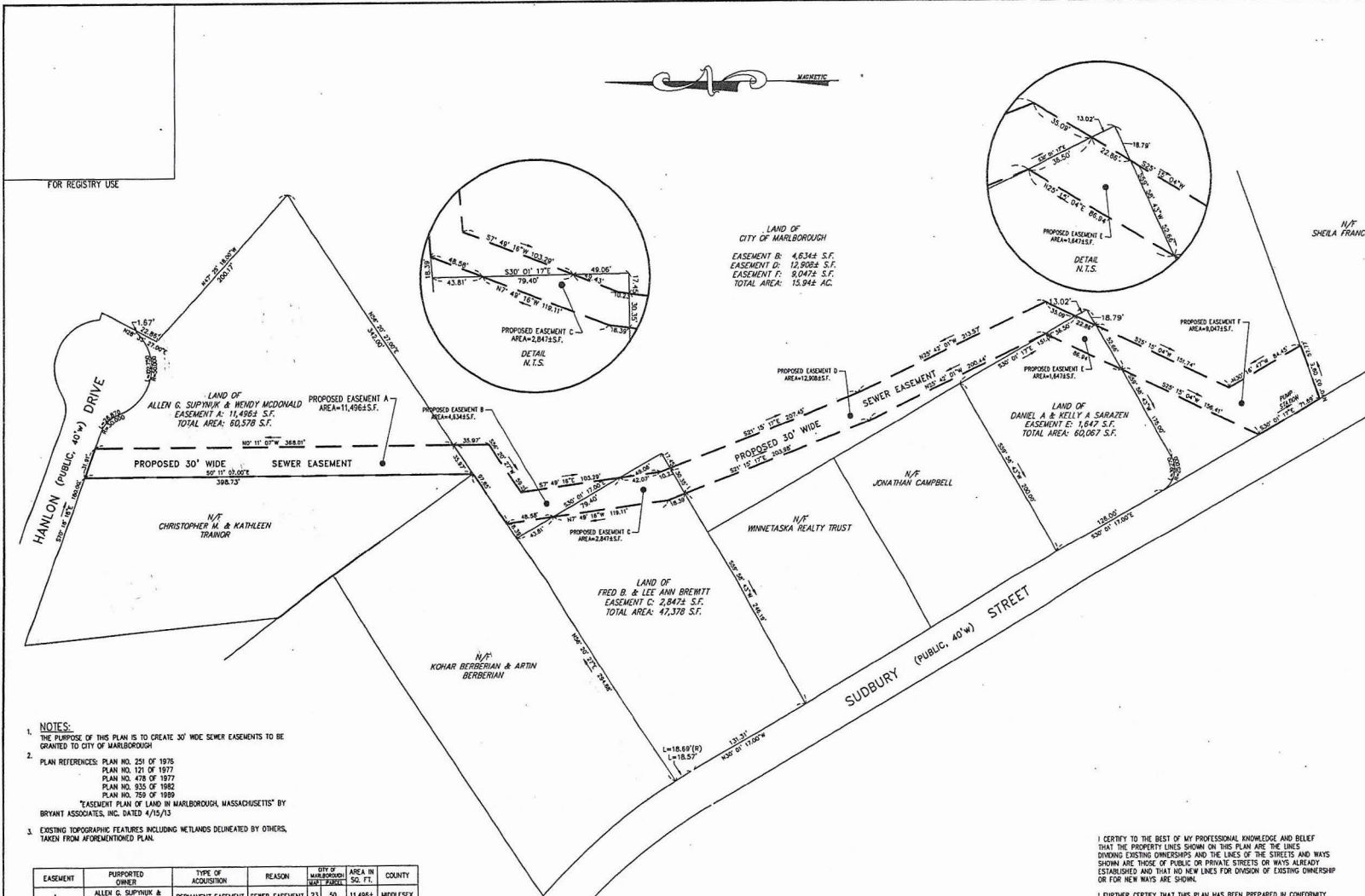
COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss

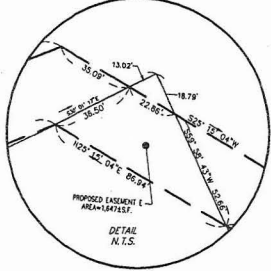
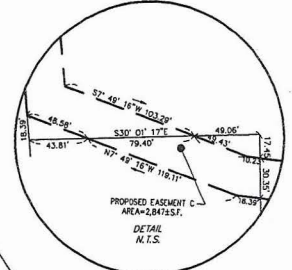
On this \_\_\_st day of \_\_\_\_\_, 2019, before me, the undersigned notary public, personally appeared Lee Ann A. Brewitt, proved to me through satisfactory evidence of identification, which was \_\_\_\_\_, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose.

\_\_\_\_\_  
Notary Public:  
My Commission Expires:





FOR REGISTRY USE



LAND OF  
CITY OF MARLBOROUGH  
EASEMENT B: 4,634± S.F.  
EASEMENT D: 12,908± S.F.  
EASEMENT F: 9,047± S.F.  
TOTAL AREA: 15,94± AC.

PROPOSED EASEMENT C  
AREA=2,847± S.F.  
DETAIL  
N.T.S.

PROPOSED EASEMENT F  
AREA=1,647± S.F.  
DETAIL  
N.T.S.

LAND OF  
ALLEN G. SUPNIAK & WENDY McDONALD  
EASEMENT A: 11,496± S.F.  
TOTAL AREA: 60,578 S.F.

PROPOSED EASEMENT A  
AREA=11,496± S.F.

PROPOSED EASEMENT B  
AREA=4,634± S.F.

PROPOSED EASEMENT D  
AREA=12,908± S.F.

PROPOSED EASEMENT E  
AREA=1,647± S.F.

PROPOSED EASEMENT F  
AREA=1,647± S.F.

N/F  
SHEILA FRANCE

HANLON (PUBLIC, 40' W) DRIVE  
30' OF THE 40' WIDE DRIVE

PROPOSED 30' WIDE SEWER EASEMENT  
308.73'

PROPOSED 30' WIDE SEWER EASEMENT

SUDBURY (PUBLIC, 40' W) STREET

N/F  
JONATHAN CAMPBELL

N/F  
WINNETASKA REALTY TRUST

LAND OF  
FRED B. & LEE ANN BREWITT  
EASEMENT C: 2,847± S.F.  
TOTAL AREA: 47,378 S.F.

N/F  
KOHAR BERBERIAN & ARTIN BERBERIAN

- NOTES:**
- THE PURPOSE OF THIS PLAN IS TO CREATE 30' WIDE SEWER EASEMENTS TO BE GRANTED TO CITY OF MARLBOROUGH
  - PLAN REFERENCES: PLAN NO. 251 OF 1976  
PLAN NO. 121 OF 1977  
PLAN NO. 478 OF 1977  
PLAN NO. 933 OF 1982  
PLAN NO. 759 OF 1989  
"EASEMENT PLAN OF LAND IN MARLBOROUGH, MASSACHUSETTS" BY BRYANT ASSOCIATES, INC. DATED 4/15/03
  - EXISTING TOPOGRAPHIC FEATURES INCLUDING WETLANDS Delineated BY OTHERS, TAKEN FROM AFOREMENTIONED PLAN.

EASEMENT	PURPORTED OWNER	TYPE OF ACQUISITION	REASON	CITY OF MARLBOROUGH DISTRICT	AREA IN SQ. FT.	COUNTY
A	ALLEN G. SUPNIAK & WENDY McDONALD	PERMANENT EASEMENT	SEWER EASEMENT	23	50	MIDDLESEX
B	CITY OF MARLBOROUGH	PERMANENT EASEMENT	SEWER EASEMENT	36	12	MIDDLESEX
C	FRED B. & LEE ANN BREWITT	PERMANENT EASEMENT	SEWER EASEMENT	23	12	MIDDLESEX
D	CITY OF MARLBOROUGH	PERMANENT EASEMENT	SEWER EASEMENT	36	12	MIDDLESEX
E	DANIEL A. & KELLY A. SARAZEN	PERMANENT EASEMENT	SEWER EASEMENT	36	10	MIDDLESEX
F	CITY OF MARLBOROUGH	PERMANENT EASEMENT	SEWER EASEMENT	36	12	MIDDLESEX

DRAFT

I CERTIFY TO THE BEST OF MY PROFESSIONAL KNOWLEDGE AND BELIEF THAT THE PROPERTY LINES SHOWN ON THIS PLAN ARE THE LINES DIVIDING EXISTING OWNERSHIPS AND THE LINES OF THE STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED AND THAT NO NEW LINES FOR DIVISION OF EXISTING OWNERSHIP OR FOR NEW WAYS ARE SHOWN.

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

PROFESSIONAL LAND SURVEYOR \_\_\_\_\_ DATE \_\_\_\_\_  
 0 50 100 200  
 SCALE: 1"=50'

**CITY OF MARLBOROUGH**  
 DEPARTMENT OF PUBLIC WORKS  
 Engineering Division  
 135 Neil Street  
 Marlborough, MA 01752  
 p. (508) 624-6910  
 f. (508) 624-7699  
 www.marblboroughma.gov

REVISIONS

No.	Date	Description
1.		

Drawn By: \_\_\_\_\_ Designed By: \_\_\_\_\_ Checked By: \_\_\_\_\_ Approved By: \_\_\_\_\_  
 J.H. \_\_\_\_\_ B. \_\_\_\_\_ J.P. \_\_\_\_\_

EASEMENT PLAN OF LAND IN MARLBOROUGH, MA

Corrected \_\_\_\_\_ Sheet No. \_\_\_\_\_  
 Date: 6-13-19  
 Scale: 1"=50' 1 of 1