

IN PUBLIC SERVICES COMMITTEE

JANUARY 30, 2023

FROM CITY SOLICITOR'S OFFICE

AMENDED DOCUMENTS

FOR THE

ACCEPTANCE AS A PUBLIC WAY OF

JENKS LANE

- Solicitor's Proposed Motion
- Planning Board Recommendation

## City Council

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**From:** City Council  
**Sent:** Monday, January 30, 2023 4:43 PM  
**To:** Don Landers  
**Cc:** City Council  
**Subject:** Proposed Motion from Asst. Solicitor Solicitor McManus for January 30, 2023 Public Services Committee Meeting Packet, Acceptance of Jenks Lane  
**Attachments:** Order of Acceptance Jenks - Clean - 1-30-23.docx; PLAN OF ACCEPTANCE DRAFT (2-28-2022).pdf; Jenks Lane Deed 1 30 2023.pdf

**From:** Jeremy McManus <[jmcmanus@marlborough-ma.gov](mailto:jmcmanus@marlborough-ma.gov)>  
**Sent:** Monday, January 30, 2023 3:46 PM  
**To:** City Council <[citycouncil@marlborough-ma.gov](mailto:citycouncil@marlborough-ma.gov)>; Jason Grossfield <[jgrossfield@marlborough-ma.gov](mailto:jgrossfield@marlborough-ma.gov)>  
**Cc:** Karen Boule <[kboule@marlborough-ma.gov](mailto:kboule@marlborough-ma.gov)>  
**Subject:** RE: January 30, 2023 Public Services Committee Meeting Packet, Acceptance of Jenks Lane

Hi Karen,

Attached please find a clean copy of the Order of Acceptance for Jenks Lane, which incorporates edits placing it into legal form. As you know, we received a deed this afternoon, but there are additional edits I need the Applicant to make to clarify the easement description, per Engineering, and to fix an error with the LLC's state. Otherwise, this is in legal form. If the Committee desires, I recommend the following motion:

- Move to recommend acceptance of Jenks Lane as a public way subject to receipt of an executed deed from the Applicant and approval of the same by the Legal Department

Let me know if you have any questions.

Best,  
Jeremy

Jeremy P. McManus  
Assistant City Solicitor  
City of Marlborough  
City Hall, 4th Floor  
140 Main Street  
Marlborough, MA 01752  
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# City of Marlborough Planning Board

Administrative Offices  
135 Neil St.  
Marlborough, MA 01752

## PLANNING BOARD

Sean N. Fay, Chair  
Philip Hodge  
Barbara L. Fenby  
George LaVenture  
Christopher Russ  
William Fowler

Katlyn LeBold, Administrator  
(508) 624-6910 x33200  
[klebold@marlborough-ma.gov](mailto:klebold@marlborough-ma.gov)

January 25, 2023

Mr. Michael Ossing  
City Council President  
140 Main Street  
Marlborough, MA 01752

RE: Goodale Estates Subdivision  
Acceptance of Jenks Lane as a Public Way

Honorable President Ossing and Members:

At its regular meeting on January 23, 2023, the Planning Board took the following action:

On a motion by Mr. Russ, seconded by Dr. Fenby, the Board voted to recommend to the Marlborough City Council that Jenks Lane be accepted as a public way and the appurtenant easements be accepted as municipal easements in the City of Marlborough. Yea: Fay, Fowler, Hodge, Russ, and Fenby. Nay: 0. Motion carried. 5-0.

Sincerely,

Sean N. Fay  
Chairperson

cc: City Clerk  
DPW Commissioner  
Kevin Gillis, Northborough Capital Partners, LLC

ORDERED:

WHEREAS, in the opinion of the City Council of the City of Marlborough, the common convenience and necessity require:

that JENKS LANE be accepted as a public way

from GOODALE STREET at the westerly end of JENKS LANE to the cul-de-sac at the easterly end of JENKS LANE

and that the appurtenant easements be accepted as municipal easements,

as shown on plans thereof and as hereinafter described and as set forth in Schedule A and Schedule B attached hereto:

DESCRIPTION

Plan entitled, "Plan of Acceptance Goodale Estates LLC Jenks Lane, City of Marlborough, Middlesex County, Commonwealth of Massachusetts," Prepared By: Control Point Associates, Inc., 352 Turnpike Road, Southborough MA 01772; Dated: February 28, 2022, which plan is to be recorded herewith.

Title to the roadways shown as Jenks Lane on said plan, and title to all the municipal easements shown on said plan as "Drainage Easement" and set forth in Schedule A attached hereto, has been granted to the City of Marlborough in a quitclaim deed from Northborough Capital Partners, LLC, a Florida limited liability company with an address of 1236 Par View Drive, Sanibel, Florida 33957, said deed to be recorded herewith at the Middlesex County (South District) Registry of Deeds.

IT IS THEREFORE ORDERED THAT:

JENKS LANE be accepted as a public way, and the appurtenant easements be accepted as municipal easements, in the City of Marlborough.

ADOPTED

In City Council

Order No. 23-

Adopted

Approved by Mayor

Arthur G. Vigeant

Date:

A TRUE COPY

ATTEST:



SCHEDULE A

**MUNICIPAL EASEMENT**

INCLUDING THE PERPETUAL RIGHTS TO A DRAIN EASEMENT OVER, UNDER, AND UPON THE FOLLOWING DESCRIBED LAND, FOR THE PURPOSE OF INSTALLATION, CONSTRUCTION, RECONSTRUCTION, REPLACEMENT, AND MAINTENANCE OF DRAINAGE PIPES AND OTHER DRAINAGE FACILITIES OF ALL TYPES AND KINDS FOR DRAINAGE OF SURFACE AND SUBSURFACE WATER TO AND FROM SAID ROADWAY, AS SHOWN ON THE PLAN (RECORDED PLAN NO. 1099 OF 2016) AS THE “DRAIN EASEMENT AND EXCLUSIVE USE EASEMENT” AREA, AND MORE PARTICULARLY DESCRIBED AS:

1. ALONG THE DIVIDING LINE WITH LOT 1 (N/F LANDS OF GOODALE ESTATES, LLC), ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 30.00 FEET, A CENTRAL ANGLE OF 66 DEGREES - 49 MINUTES - 32 SECONDS, AND AN ARC LENGTH OF 34.99 FEET, THENCE;
2. ALONG THE DIVIDING LINE WITH SAID LOT 1, LOT 2 & LOT 3 (N/F LANDS OF GOODALE ESTATES, LLC), NORTH 81 DEGREES - 58 MINUTES - 58 SECONDS EAST, A DISTANCE OF 142.42 FEET TO A POINT, THENCE;
3. ACROSS LOT 1, THE FOLLOWING 4 COURSES:
  - NORTH 71 DEGREES – 06 MINUTES – 12 SECONDS WEST, A DISTANCE OF 93.50 FEET TO A POINT, THENCE;
  - NORTH 25 DEGREES – 37 MINUTES – 26 SECONDS WEST, A DISTANCE OF 50.67 FEET TO A POINT, THENCE;
  - NORTH 45 DEGREES – 47 MINUTES – 49 SECONDS WEST, A DISTANCE OF 44.29 FEET TO A POINT, THENCE;
  - NORTH 31 DEGREES – 11 MINUTES – 30 SECONDS WEST, A DISTANCE OF 93.73 FEET TO A POINT, THENCE;
4. SOUTH 81 DEGREES – 58 MINUTES – 47 SECONDS WEST, A DISTANCE OF 90.15 FEET TO A POINT, THENCE;
5. ALONG THE EASTERLY SIDE LINE OF GOODALE STREET, SOUTH 31 DEGREES – 11 MINUTES – 30 SECOND EAST TO THE POINT AND PLACE OF BEGINNING.

AND RESERVING TO THE GRANTOR, THEIR ASSIGNS AND SUCCESSORS AN EXCLUSIVE USE EASEMENT OVER THE PREVIOUSLY DESCRIBED DRAINAGE EASEMENT. SAID EXCLUSIVE USE EASEMENT SHALL BE USED AND ENJOYED BY THE GRANTOR, THEIR ASSIGNS AND SUCCESSORS, BUT

SHALL BE LIMITED SUCH THAT NO PERMANENT OR SEMI-PERMANENT OBSTRUCTION MAY BE PLACED IN THE AREA OF SAID DRAINAGE EASEMENT, AND ANY USE OF THE EXCLUSIVE USE EASEMENT AREA SHALL FIRST REQUIRE THE CONSENT OF THE CITY ENGINEER CONFIRMING IT WILL NOT IMPEDE THE DRAINAGE EASEMENTS RIGHTS OF THE CITY OF MARLBOROUGH. THE CITY OF MARLBOROUGH AND ITS SUCCESSORS SHALL ALSO HAVE THE RIGHT TO REMOVE IMPEDIMENTS TO ALL RIGHTS UNDER THE DRAINAGE EASEMENT INCLUDING BUT NOT LIMITED TO THE OPERATION AND MAINTENANCE OF THE DRAINAGE EASEMENT AREA, SUCH AS TREES, ASPHALT AND SIDEWALKS.

THIS DESCRIPTION IS PREPARED WITH REFERENCE TO A PLAN PREPARED BY BRUCE SALUK & ASSOCIATES, INC. ENTITLED "DEFINITIVE PROPERTY PLAN-GOODALE ESTATES, MARLBOROUGH, MA" DATED JULY 19, 2016, RECORDED IN THE MIDDLESEX COUNTY REGISTRY OF DEEDS AS PLAN NO. 1099 OF 2016.

## SCHEDULE B

### **ROAD DESCRIPTION**

COMMENCING AT A POINT ON THE EASTERLY SIDELINE OF GOODALE STREET (PUBLIC - VARIABLE WIDTH), SAID POINT BEING ON THE MUNICIPAL BOUNDARY LINE BETWEEN THE CITY OF MARLBOROUGH AND THE TOWN OF HUDSON, SAID POINT ALSO BEING A CORNER IN COMMON WITH LANDS N/F OF HUDSON GOLF, LLC (HUDSON, MA-MAP 46, LOT 2), RUNNING THENCE, ALONG SAID EASTERLY SIDELINE OF GOODALE STREET, SOUTH 31 DEGREES - 11 MINUTES - 30 SECONDS EAST, A DISTANCE OF 210.58 FEET TO THE POINT OF BEGINNING, RUNNING THENCE:

1. ALONG THE DIVIDING LINE WITH LOT 1 (N/F LANDS OF GOODALE ESTATES, LLC), ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 30.00 FEET, A CENTRAL ANGLE OF 66 DEGREES - 49 MINUTES - 32 SECONDS, AND AN ARC LENGTH OF 34.99 FEET, THENCE;
2. ALONG THE DIVIDING LINE WITH SAID LOT 1, LOT 2 & LOT 3 (N/F LANDS OF GOODALE ESTATES, LLC), NORTH 81 DEGREES - 58 MINUTES - 58 SECONDS EAST, A DISTANCE OF 348.02 FEET TO A POINT OF TANGENCY, THENCE;
3. ALONG THE DIVIDING LINE WITH SAID LOT 3, ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 30.00 FEET, A CENTRAL ANGLE OF 56 DEGREES - 15 MINUTES - 04 SECONDS, AND AN ARC LENGTH OF 29.45 FEET TO A POINT OF REVERSE CURVATURE, THENCE;
4. ALONG THE DIVIDING LINE WITH SAID LOT 3, LOT 4, LOT 5, LOT 6 & LOT 7 (N/F LANDS OF GOODALE ESTATES, LLC), MAP 2, LOT 9 (N/F LANDS OF GOODALE ESTATES, LLC), ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 60.00 FEET, A CENTRAL ANGLE OF 292 DEGREES - 30 MINUTES - 08 SECONDS, AND AN ARC LENGTH OF 306.30 FEET TO A POINT OF REVERSE CURVATURE, RUNNING THENCE, ALONG THE DIVIDING LINE WITH SAID LOT 28, THE FOLLOWING THREE (3) COURSES:
  - ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 30.00 FEET, A CENTRAL ANGLE OF 56 DEGREES - 15 MINUTES - 04 SECONDS, AND AN ARC LENGTH OF 29.45 FEET, THENCE;
  - SOUTH 81 DEGREES - 58 MINUTES - 58 SECONDS WEST, A DISTANCE OF 305.22 FEET TO A POINT OF TANGENCY, THENCE;
  - ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 30.00 FEET, A CENTRAL ANGLE OF 113 DEGREES - 10 MINUTES - 28 SECONDS,

AND AN ARC LENGTH OF 59.26 FEET TO A POINT ON THE  
EASTERLY SIDELINE OF GOODALE STREET, THENCE;

5. ALONG SAID EASTERLY SIDELINE OF GOODALE STREET, NORTH 31  
DEGREES - 11 MINUTES - 30 SECONDS WEST, A DISTANCE OF 108.78 FEET  
TO THE POINT AND PLACE OF BEGINNING.

CONTAINING 26,962 SQUARE FEET OR 0.62 ACRES, MORE OR LESS.





**QUITCLAIM DEED**


**NORTHBOROUGH CAPITAL PARTNERS, LLC**, a Florida Island limited liability company with an address of 1236 Par View Drive, Sanibel, Florida 33957, for consideration paid of less than One Hundred Dollars (\$100.00) grants to the **City of Marlborough** with a mailing address of 140 Main Street, Marlborough, MA 01752, with QUITCLAIM COVENANTS, the following described property:

That certain parcel of land in located in Marlborough, County of Middlesex, Commonwealth of Massachusetts, commonly known as Jenks Lane, and more particularly bounded and described as set forth on Exhibit A attached hereto and made a part hereof and as shown on a plan entitled "Goodale Estates a Definitive Subdivision Plan, Marlborough Massachusetts" recorded at the Middlesex South Registry of Deeds in Plan Book 1099 of 2016, together with a Drainage Easement subject to an Exclusive Use Easement as further described therein.

MEANING AND INTENDING TO CONVEY and hereby conveying a portion of the same premises conveyed to the Grantor by Deed in Lieu of Foreclosure dated October 18, 2018 and recorded in Book 71768, Page 336 of the South Middlesex County Registry of Deeds, said premises transferred hereunder not being "all or substantially all" of the assets of Grantor.

IN WITNESS WHEREOF, NORTHBOROUGH CAPITAL PARTNERS, LLC has caused this QUITCLAIM DEED to be executed by Kevin A. Gillis, a duly authorized Managing Director/Manager this 30th day of January 2023.


Northborough Capital Partners, LLC

By:   
Kevin A. Gillis,  
Managing Director/Manager

STATE OF FLORIDA  
Lee County

January 30<sup>th</sup>, 2023

As of the above date, before me, the undersigned notary public, personally appeared Kevin A. Gillis, as Managing Director/Manager of Northborough Capital Partners, LLC, and proved to me through satisfactory evidence of identification, which was a copy of a Florida state driver's license, to be the person whose name is signed on the preceding or attached document and acknowledged to me that he signed it voluntarily for its stated purpose.

  
Notary Public: *Sheila Garcia Farinas*  
My commission expires: *6/8/2026*

FOR REFERENCE ONLY:  
Jenks Lane  
Marlborough, MA



## Exhibit A

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AND RESERVING TO THE GRANTOR, THEIR ASSIGNS AND SUCCESSORS AN EXCLUSIVE USE EASEMENT OVER THE PREVIOUSLY DESCRIBED DRAINAGE EASEMENT. SAID EXCLUSIVE USE EASEMENT SHALL BE USED AND ENJOYED BY THE GRANTOR, THEIR ASSIGNS AND SUCCESSORS, BUT SHALL BE LIMITED SUCH THAT NO PERMANENT OR SEMI-PERMANENT OBSTRUCTION MAY BE PLACED IN THE AREA OF SAID DRAINAGE EASEMENT. THE CITY OF MARLBOROUGH AND ITS SUCCESSORS SHALL ALSO HAVE THE RIGHT TO REMOVE IMPEDIMENTS TO OPERATION AND MAINTENANCE OF THE DRAINAGE EASEMENT AREA, SUCH AS TREES, ASPHALT AND SIDEWALKS.

THIS PROPERTY MAY BE SUBJECT TO RESTRICTIONS, COVENANTS AND/OR EASEMENTS EITHER WRITTEN OR IMPLIED.

THIS DESCRIPTION IS PREPARED WITH REFERENCE TO A PLAN PREPARED BY BRUCE SALUK & ASSOCIATES, INC. ENTITLED "DEFINITIVE PROPERTY PLAN-GOODALE ESTATES, MARLBOROUGH, MA" DATED JULY 19, 2016, RECORDED IN THE MIDDLESEX COUNTY REGISTRY OF DEEDS AS PLAN NO. 1099 OF 2016.