



**TOWN OF FRANKLIN
RESOLUTION 19-18
ACCEPTANCE OF PRIVATE ROAD COVENANT
WITH OWNER OF SOLE LOT ACCESSED BY
PADULA DRIVE**

WHEREAS, Paula J. Bissanti (hereinafter “Property Owner”) is presently the sole owner of an improved parcel of land known and numbered as 25 Sheila Lane, title reference deed dated July 30, 1998 recorded at Norfolk County Registry of Deeds in Book 12703 at Page 588, said parcel also being shown as Lot #11 on a plan of land recorded at said Registry in Plan Book 672 at Page 80, and

WHEREAS, said parcel is the only parcel located on Padula Drive shown on said plan and Padula Drive provides the only access to and from said parcel and Sheila Lane, an accepted public way, and

WHEREAS, the layout for Padula Drive is shown on said plan but Padula Drive, as presently constructed, consists of a paved access driveway only, and

WHEREAS, Property Owner is need of legal frontage on a public way, and Town’s acceptance of Padula Drive will provide Property Owner with said frontage, and

WHEREAS, in consideration thereof, Property Owner, for herself and her successors is willing to have the sole and exclusive continuing obligation for maintenance, repair and snow removal and maintenance and repair of any related drainage structure and has executed a covenant incorporating said obligation, a true copy of which is attached as “Exhibit 1”,

NOW, THEREFORE, BE IT ORDERED that the Town of Franklin, acting by and through its Town Council, hereby authorizes the Town Administrator to execute the covenant, a copy of which is attached hereto as Exhibit 1, on behalf of the Town of Franklin.

This Resolution shall become effective according to the rules and regulations of the Town of Franklin Home Rule Charter.

DATED: _____, 2019

VOTED:
UNANIMOUS _____

A True Record Attest:

YES _____ **NO** _____

ABSTAIN _____

Teresa M. Burr
Town Clerk

ABSENT _____

Glenn Jones, Clerk
Franklin Town Council

**COVENANT WITH THE TOWN OF FRANKLIN
(FOR CONTINUED PRIVATE MAINTENANCE OF PADULA DRIVE)**

I, **Paula J. Bissanti**, of Franklin, Norfolk County, Massachusetts, am the owner of land described in **Exhibit A** attached hereto in said Franklin, Norfolk County and Commonwealth, shown as Lot 11 on plan entitled, "Street Acceptance Plan for Land Located in the Town of Franklin, Massachusetts", herein the "Plan" dated January 10, 2017, revised through April 18, 2018, prepared by Dunn & McKenzie, Inc., Land Surveying and Civil Engineering, 206 Dedham Street, Norfolk, Massachusetts recorded with the Norfolk County Registry of Deeds in Plan Book 672, Page 080.

Lot 11 is shown on said plan as 25 Sheila Lane and contains a proposed private way shown as Padula Drive. The plan was approved with conditions by the Planning Board of the Town of Franklin by Certificate of Vote dated February 10, 1997, and which was stamped by the Town Clerk of the Town of Franklin on March 20, 1998, to indicate that no appeal had been filed, as noted on the plan recorded at Norfolk County Registry of Deeds in Plan Book 455, Page 274.

Padula Drive was constructed and has been maintained to date as a private way; however, the owner of Lot 11 is in need of Town's acceptance of it as a public way to provide the originally-intended legal frontage to Lot 11, as evidenced by the above-referenced previously-recorded documents.

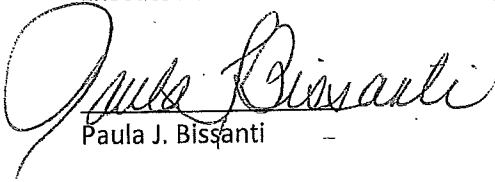
In consideration of the foregoing, **Paula J. Bissanti** for herself and her heirs, successors, transferees and assigns, covenants and agrees with the Town of Franklin, by and through its Town Administrator, whose signature is affixed hereto, together with a resolution of the Town Council of said Town of Franklin, as follows:

- 1.) If Town accepts Padula Drive as a public way, the owner of Lot 11 shall continue to have the exclusive and continuing obligation for maintenance, repair and snow removal of said way and the maintenance and repair of the drainage structure, if any.
- 2.) No petition shall ever be made to the Town of Franklin seeking to change or to transfer the obligation for maintenance, repair and/or snow removal from the owner of lot 11 to the Town of Franklin.
- 3.) Padula Drive and drainage structure, if any, shall be constructed in accordance with the standard set forth in Section 300, Subdivision of Land Rules and Regulations of the Town of Franklin, except those waived by the Planning Board. Maintenance and repair of Padula Drive, water supply systems, sewer pipes, electric distribution system and storm water system shall be the responsibility of the owner of Lot 11 and shall never be the responsibility of the Town of Franklin and the Town of Franklin shall never be required to perform any service, repair or maintenance with respect to said way, areas or any of the aforementioned systems within Padula Drive. The Town of Franklin will never be required to provide snow plowing with respect to Padula Drive.

4.) The Town of Franklin, it agents and servants shall have the right but not the obligation at all times to enter Padula Drive and the drainage structures, if any, for the purpose of inspecting, maintaining and/or making emergency repairs including, but not limited to, drainage. Except in the event of an emergency, the Town shall provide the owner of Lot 11 with at least forty-eight (48) hours written notice as well as a reasonable opportunity to repair any such damage. In such event, the owner of Lot 11 shall be liable, jointly and severally, for the payment of all expenses incurred by the Town of Franklin in connection therewith, and unpaid expenses shall constitute a lien on their property.

This Covenant shall be binding upon the record owner of Lot 11 and her heirs, successors, transferees and assigns and shall run with the land.

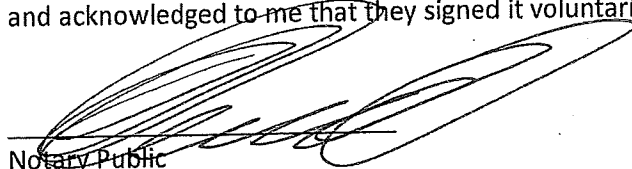
Executed as sealed instrument this 14 day of January, 2019.


Paula J. Bissanti

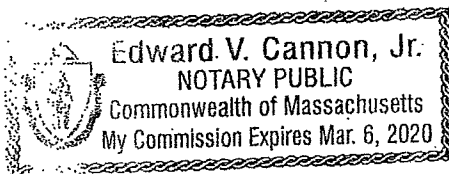
COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss

On this 14th day of January 2019, before me, the undersigned notary public, personally appeared Paula J. Bissanti, proved to me through satisfactory evidence of identification, which were driver's license, 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



Town of Franklin

By:

Jeffrey D. Nutting, Town Administrator
Hereunto duly authorized

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss

On this ____ day of January 2019, before me, the undersigned notary public, personally appeared Jeffrey D. Nutting, Town Administrator, as aforesaid, proved to me through satisfactory evidence of identification, which were _____, 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

Exhibit "A"

Legal Description

25 Sheila Lane, Franklin, MA

The land with the buildings thereon shown as Lot 11 on a plan entitled, "3D Estates Subdivision Plan of Land in Franklin, Massachusetts", Dunn-McKenzie, Inc. Land Surveying and Civil Engineering, dated November 18, 1996, which plan is recorded with the Norfolk County Registry of Deeds as Plan No. 274 of 1998 in Plan Book 455, to which plan reference is hereby made for a more particular description of said Lot 11.

Said Lot 11 contains 61,000 square feet of land, more or less, according to said plan.

For grantor's title see the deed recorded with said Registry in Book 26212, Page 563.