

# OFFICE OF THE TOWN ADMINISTRATOR

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## MEMORANDUM

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**DATE:** November 5, 2018  
**TO:** Town Council  
**FROM:** Jeffrey D. Nutting, Town Administrator  
Jamie Hellen, Deputy Town Administrator  
**RE:** Grant of Utility Easements on Town Owned Land

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The Benjamin Franklin Educational Foundation is constructing a new Charter School and has asked for a utility easement off Grove Street on town owned land near the water pump.

We recommend the approval of the easement.

I am happy to answer any questions that you may have.



## **TOWN OF FRANKLIN**

### **RESOLUTION 18-63**

#### **GRANT OF UTILITY EASEMENTS: TOWN OWNED LAND ON EASTERLY SIDE OF GROVE STREET**

**WHEREAS,** Town of Franklin owns land on the easterly side of Grove Street which is subject to an easement to provide access to certain backland and within which easement is constructed the private way known as Financial Park Drive, and,

**WHEREAS,** The Benjamin Franklin Educational Foundation is presently constructing a new charter school on the backland which is benefitted by the above described access easement, which school will be accessed by Financial Park Drive and which school requires new electric and telecommunications services, and

**WHEREAS,** Massachusetts Electric Company is an electric company as defined in G.L. Chapter 164 and provides electric service in the Town of Franklin and Verizon New England, Inc. is a telecommunications company as defined in G.L. Chapter 166 and provides telecommunications services in the town, and both utilities are proposing to provide services to Benjamin Franklin Educational Foundation for the new charter school along Financial Park Drive, within the boundaries of the original access easement, and

**WHEREAS,** Massachusetts Electric Company and Verizon New England, Inc. require that the Town of Franklin grant to each utility an easement to enable it to provide said services.

**NOW THEREFORE, BE IT RESOLVED** that the Town Council of the Town of Franklin hereby grants utility easements to Massachusetts Electric Company and to Verizon New England, Inc through, under, over, across and upon land of the Town of Franklin located on the easterly side of Grove Street, described in a deed recorded in Norfolk Registry of Deeds in Book 4143 at page 596 for the purpose of providing electric and telecommunications services to the property of Benjamin Franklin Educational Foundation as more fully set out and upon the terms and conditions contained in the easement instrument attached hereto as

“Exhibit 1” and the Town Council hereby authorizes the Town Administrator to execute said easement instrument on its behalf..

This resolution shall become effective according to the provisions of the Town of Franklin Home Rule Charter.

**DATED:** \_\_\_\_\_, 2018

**VOTED:** \_\_\_\_\_

**UNANIMOUS:** \_\_\_\_\_

**A TRUE RECORD ATTEST:**

**YES:** \_\_\_\_ **NO:** \_\_\_\_

**ABSTAIN:** \_\_\_\_ **ABSENT:** \_\_\_\_

**Teresa M. Burr**  
**Town Clerk**

\_\_\_\_\_  
**Glenn Jones, Clerk**  
**Franklin Town Council**

Property Address: 0 Grove St, Franklin, MA (Norfolk County)

## GRANT OF EASEMENT

**TOWN OF FRANKLIN**, a municipal corporation with a principal place of business at 355 East Central Street, Franklin, MA 02038 (hereinafter referred to as the Grantor), for consideration of One (\$1.00) Dollar, grants to **MASSACHUSETTS ELECTRIC COMPANY**, 40 Sylvan Road, Waltham, Massachusetts 02451, a Massachusetts corporation, and **VERIZON NEW ENGLAND, INC.**, a New York corporation, having a local address of 125 High Street – Oliver Tower, 07 Floor, Boston, MA 02110 (hereinafter referred to as the Grantees) with quitclaim covenants, the perpetual right and easement to construct, reconstruct, repair, maintain, operate and patrol, for the transmission of high and low voltage electric current and for the transmission of intelligence and telephone use, lines to consist of, but not limited to, a line of poles, (which may be erected at different times) with wires and cables installed thereon, and all necessary foundations, anchors, guys, braces, fittings, equipment and appurtenances (hereinafter referred to as the "OVERHEAD SYSTEM") over, across, under and upon the Grantor's land in Franklin, Norfolk County, Massachusetts, to serve Grantor's property and others.

Said "OVERHEAD SYSTEM" is to be installed on Grantor's property, which is located on the easterly side of Grove Street, to originate from Pole 91, which is located on the easterly side of Grove Street, then proceed in an easterly direction crossing over, across and upon land of the Grantor, to become established by and upon the final installation thereof by the Grantees.

Also with the further perpetual right and easement from time to time without further payment therefore to pass and repass over, across and upon said land of the Grantor as is reasonable and necessary in order to renew, replace, repair, remove, add to, maintain, operate and patrol and otherwise change said "OVERHEAD SYSTEM" and each and every part thereof and to make such other excavation or excavations as may be reasonably necessary in the opinion and judgment of the Grantees, their successors and assigns, and to clear and keep cleared the portions and areas of the premises wherein the "OVERHEAD SYSTEM" is specifically located of such trees, shrubs, bushes, above ground and below ground structures, objects and surfaces, as may, in the opinion and judgment of the Grantees, interfere with the efficient and safe operation and maintenance of the "OVERHEAD SYSTEM".

WR#25956254

Address of Grantee:  
Mass. El., 40 Sylvan Road, Waltham, Massachusetts 02451  
Verizon, 125 High Street – Oliver Tower, 07 Floor, Boston, MA 02110

After recording return to:  
Elizabeth A. Fresolone  
National Grid  
Service Company, Inc.  
280 Melrose Street  
Providence, RI 02907

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It is agreed that the "OVERHEAD SYSTEM" shall remain the property of the Grantees, their successors and assigns, and that the Grantees, their successors and assigns, shall pay all taxes assessed thereon. Grantor agrees that the rights and easement herein granted are for the purpose of providing service to Grantor's property and the further right to service others from said "OVERHEAD SYSTEM". The Grantor, for itself, its successors and assigns, covenant and agrees with the Grantees, for themselves, their successors and assigns, that this Grant of Easement and the location of the "OVERHEAD SYSTEM" may not be changed or modified without the written consent of the Grantees, their successors and assigns, which consent may be withheld by the Grantees in their sole discretion. The rights and easement herein granted are over, across and upon certain portions of land being shown as **Parcel 2, Parcel 3, Parcel 4 and Parcel 5**, which now includes a portion of a private way named Financial Park, on a Plan of Land recorded with the Norfolk County Registry of Deeds in **Deed Book 4143, Page 596**.

And further, said "OVERHEAD SYSTEM" (locations of the electrical equipment and other facilities on the hereinbefore referred to premises of the Grantor) is approximately shown on a sketch entitled: "Massachusetts Electric, Feeder: 344W5, Work Location: Benjamin Franklin Charter School, 500 Financial Park Dr., Franklin, MA 02038, Date: 7/16/18, Easement Drawing: 25956254," a reduced copy of said sketch is attached hereto as "Exhibit A" and recorded herewith, copies of which are in the possession of the Grantor and Grantees herein, but the final definitive locations of said "OVERHEAD SYSTEM" shall become established by and upon the installation and erection thereof by the Grantees.

For Grantor's title, see Order of Taking dated February 18, 1964, recorded with the Norfolk County Registry of Deeds in **Book 4143, Page 596**.

IN WITNESS WHEREOF, the TOWN OF FRANKLIN has caused its municipal seal to be hereto affixed and these presents to be signed in its name and behalf by JEFFREY D. NUTTING, being duly authorized this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

TOWN OF FRANKLIN

By: JEFFREY D. NUTTING

Its: Town Administrator

Duly Authorized

Commonwealth of Massachusetts

County of \_\_\_\_\_ } ss.

On this the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, before me,  
Day Month Year

\_\_\_\_\_  
Name of Notary Public the undersigned Notary Public,

personally appeared, JEFFREY D. NUTTING, proved to me through satisfactory evidence of identity,, which was

\_\_\_\_\_  
Description of Evidence of Identity

to be the person whose name is signed on the preceding Grant of Easement, and acknowledged to me that he signed it voluntarily for its stated purpose, being duly authorized as Town Administrator for the TOWN OF FRANKLIN.

\_\_\_\_\_  
Signature of Notary Public

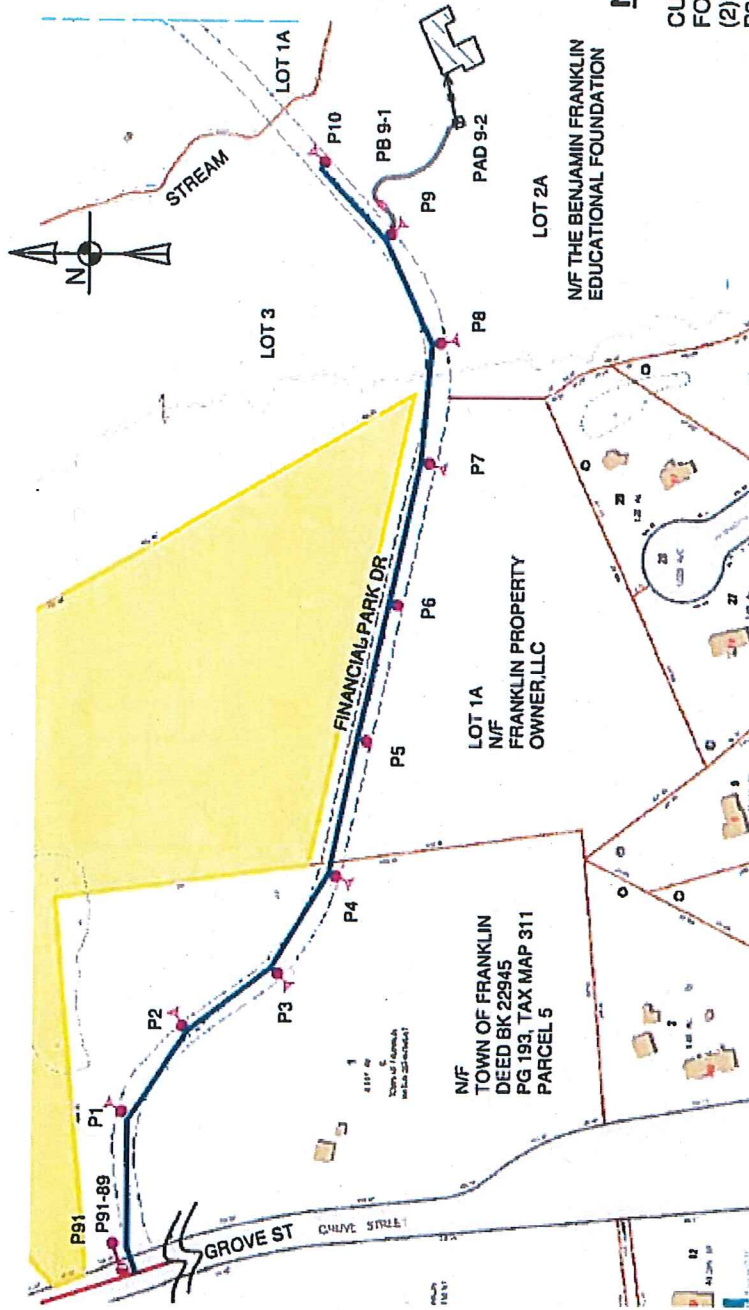
\_\_\_\_\_  
Printed Name of Notary

My Commission Expires \_\_\_\_\_

Place Notary Seal and/or Any Stamp Above

# LEGEND

	PROPOSED JO POLE
	EXISTING JO POLE
	N-GRID PRIMARY PULLBOX
	JO ANCHOR ROD
	EXISTING N-GRID OH FACILITIES
	CUSTOMERS SERVICE WIRE
	3 PH TRANSFORMER PAD
	PROPOSED N-GRID OH FACILITIES
	PROPOSED N-GRID UG FACILITIES



## NOTES:

CUSTOMER TO INSTALL THE FOLLOWING:  
(2) 4" PVC ENCASED FROM P9 TO PAD 9-2, (520' +/-)

OIL CONTAINMENT FOR NEW PAD WITH BOLLARD PROTECTION IN ACCORDANCE TO N-GRID STANDARDS

POLE INSTALLATION NOTES:  
ALL POLES STARTING WITH POLE 3 TO POLE 10 TO BE INSTALLED 2 FT OFF EDGE OF PAVED WAY.

## EXHIBIT 'A' NOT TO SCALE

The exact location of said Facilities to be established by and upon the installation and erection of the Facilities thereof.