



Sponsor: Administration

**TOWN OF FRANKLIN**

**RESOLUTION 17-04**

**ACCEPTANCE OF GRANT OF UTILITY (DRAINAGE) EASEMENTS**

**WHEREAS**, the Town of Franklin has, for many years, maintained a drainage pump station, as well as drainage pipes and structures, on land located at 8 Beth Road, and the Town has also maintained a drainage pipe and structures on abutting land located at 9 Tyson Road, and

**WHEREAS**, Dale J. Lippert and Joanne Lippert, Trustees of Lippert Investment Trust, are the present owners of the land at 8 Beth Road, title reference: Norfolk Registry of Deeds Book 16330, Page 168 and have executed the Grant of Utility (Drainage) Easement, a true copy of which is attached hereto as "Exhibit 1", and Paul A. Ciavola and Margaret Ciavola, as life tenants, and Paul J. Ciavola and Gina Weddleton, as tenants in common, are the present owners of the land at 9 Tyson Road, title reference: Norfolk County Registry of Deeds Book 24865, Page 553 and have executed the Grant of Utility (Drainage) Easement, a true copy of which is attached hereto as "Exhibit 2",

**NOW, THEREFORE, BE IT ORDERED** that the Town of Franklin acting by and through its Town Council accepts the Grant of Utility (Drainage) Easement attached hereto as "Exhibit 1" and the Grant of Utility (Drainage) Easement attached hereto as "Exhibit 2" and it is further ordered that a true copy of this resolution be recorded with each original Grant of Utility (Drainage) Easement at Norfolk County Registry of Deeds.

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

**DATED:** \_\_\_\_\_, 2017

**VOTED:**

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

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

**ABSTAIN** \_\_\_\_\_

**ABSENT** \_\_\_\_\_

**A True Record Attest:**

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

\_\_\_\_\_  
**Judith Pond Pfeffer, Clerk**  
**Franklin Town Council**

**GRANT OF UTILITY (DRAINAGE) EASEMENT**

WE, Dale J. Lippert and Joanne Lippert, Trustees of Lippert Investment Trust under the declaration of trust dated February 27, 2002 and recorded at Norfolk County Registry of Deeds in Book 16330, Page 156, both of 8 Beth Road, Franklin, Norfolk County, MA, for consideration paid and in full consideration of:

One Dollar (\$1.00)

GRANT to the Town of Franklin, a duly-organized municipal corporation with administrative offices located in the Municipal Building, 355 East Central Street, Franklin, Norfolk County, MA, a permanent easement over, under, and through land of Grantor located at 8 Beth Road in said Franklin, said easement being shown as "Drain Easement Area = 2123 sq. ft. 0.048AC, more or less" on a plan entitled "Drain Easements Plan of Land 8 Beth Road and 9 Tyson Road Franklin, Massachusetts" dated June 7, 2016, prepared by Guerriere & Halnon, Inc. Engineering & Land Surveying 55 West Central St. Franklin, MA 02038 and filed at Norfolk Registry of Deeds in Plan Book \_\_\_\_ at Page \_\_\_\_, included within said grant is the perpetual right and easement to construct, maintain and replace an existing drainage pump station, and pipes and structures of any type as are commonly used in the Town of Franklin for drainage, including, without limitation, the right, but not the obligation, to use, construct, inspect, repair, operate and forever maintain said pump station, pipes and structures and the right to enter on foot and with equipment and vehicles to perform any of said work.

Further, the said Grantors do hereby grant unto the Grantee and its successors and assigns forever, ownership rights in the pump station and all pipes, manholes, conduits, fixtures, and all appurtenances thereto that are now or hereafter may be constructed or installed in, through, or under the above-described land.

The Grantors, for themselves and their successors in title, covenant that they shall not permit any use within said easement area described herein, which is inconsistent with this Grant of Easement, including, but not limited to the erection of any non-related structures of any kind or the planting of shrubs and/or trees within the easement area or performing any act which will impair the function and purpose of said Grant of Easement.

Grantors, for themselves and their successors in title, further covenant that the location of said drainage easement shall not be changed without the prior written consent of Grantee or its successor in title.

For Grantors' title see deed dated February 27, 2002 and recorded at Norfolk County Registry of Deeds in Book 16330 at Page 168.

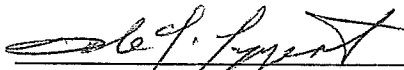
As Trustees of Lippert Investment Trust, Grantors certify that:

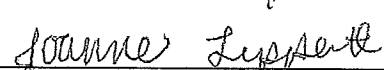
they are authorized and directed by all of the beneficiaries of said Trust to execute all documents associated with this transaction,

there has been no change in the beneficial interests of said Trust, and

the Trust has not been altered, amended, or revoked and it is still in force and effect as evidenced by the instrument recorded in the Registry of Deeds.

WITNESS our hands and seals this 20 day of Dec- 2016.

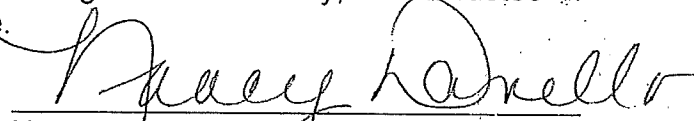
  
\_\_\_\_\_  
Dale J. Lippert, Trustee of Lippert  
Investment Trust

  
\_\_\_\_\_  
Joanne Lippert, Trustee of Lippert  
Investment Trust

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS:

On this 20 day of Dec, 2016, before me, the undersigned notary public, personally appeared Dale J. Lippert and Joanne Lippert, each proved to me through satisfactory evidence of identification, which was MA. LIC., to be the person whose name is signed on the preceding document and acknowledged to me that he/she signed it voluntarily, as a Trustee of Lippert Investment Trust, for its stated purpose.

  
\_\_\_\_\_  
Notary Public  
My commission expires: Dec 30, 2022

**GRANT OF UTILITY (DRAINAGE) EASEMENT**

WE, Paul A. Ciavola and Margaret Ciavola, husband and wife and life tenants, both of 9 Tyson Road, Franklin, Norfolk County, MA and Paul J. Ciavola and Gina Weddleton, as tenants in common of 2 Ann Drive, Taunton, Bristol County, MA and 4 Oak Ridge Drive, Plainville, Norfolk County, MA, respectively, for consideration paid and in full consideration of:

One Dollar (\$1.00)

GRANT to the Town of Franklin, a duly-organized municipal corporation with administrative offices located in the Municipal Building, 355 East Central Street, Franklin, Norfolk County, MA, a permanent easement over, under, and through land of Grantor located at 9 Tyson Road in said Franklin, said easement being shown as "20' Wide Drain Easement Area = 2229 sq. ft. 0.051AC, more or less" on a plan entitled "Drain Easements Plan of Land 8 Beth Road and 9 Tyson Road Franklin, Massachusetts" dated June 7, 2016, prepared by Guerriere & Halnon, Inc. Engineering & Land Surveying 55 West Central St. Franklin, MA 02038 and filed at Norfolk Registry of Deeds in Plan Book \_\_\_\_ at Page \_\_\_\_, included within said grant is the perpetual right and easement to construct, maintain and replace pipes and structures of any type as are commonly used in the Town of Franklin for drainage, including, without limitation, the right, but not the obligation, to use, construct, inspect, repair, operate and forever maintain, pipes and structures and the right to enter on foot and with equipment and vehicles to perform any of said work.

Further, the said Grantors do hereby grant unto the Grantee and its successors and assigns forever, ownership rights in all pipes, manholes, conduits, fixtures, and all appurtenances thereto that are now or hereafter may be constructed or installed in, through, or under the above-described land.

The Grantors, for themselves and their successors in title, covenant that they shall not permit any use within said easement area described herein, which is inconsistent with this Grant of Easement, including, but not limited to the erection of any non-related structures of any kind or the planting of shrubs and/or trees within the easement area or performing any act which will impair the function and purpose of said Grant of Easement.

Grantors, for themselves and their successors in title, further covenant that the location of said drainage easement shall not be changed without the prior written consent of Grantee or its successor in title.

For Grantors' title see deed dated May 24, 2007 and recorded at Norfolk County Registry of Deeds in Book 24865 at Page 553.

WITNESS our hands and seals this 2 day of JAN 2018.

Paul A. Ciavola  
Paul A. Ciavola

Margaret Ciavola  
Margaret Ciavola

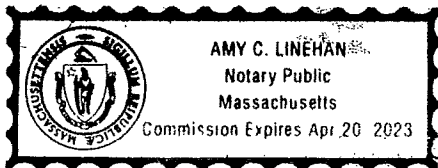
Paul J. Ciavola  
Paul J. Ciavola

Gina Weddleton  
Gina Weddleton

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS:

On this 2<sup>nd</sup> day of January, 2018 before me, the undersigned notary public, personally appeared Paul A. Ciavola and Margaret Ciavola, each proved to me through satisfactory evidence of identification, which was license, to be the person whose name is signed on the preceding document and acknowledged to me that he/she signed it voluntarily for its stated purpose.

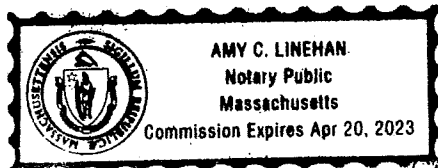


Amy C. Linehan  
Notary Public  
My commission expires: 4/20/23

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS:

On this 2<sup>nd</sup> day of January, 2018 before me, the undersigned notary public, personally appeared Paul J. Ciavola, proved to me through satisfactory evidence of identification, which was license, to be the person whose name is signed on the preceding document and acknowledged to me that he signed it voluntarily for its stated purpose.

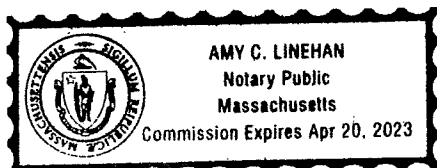


Amy C. Linehan  
Notary Public  
My commission expires: 4/20/23

COMMONWEALTH OF MASSACHUSETTS

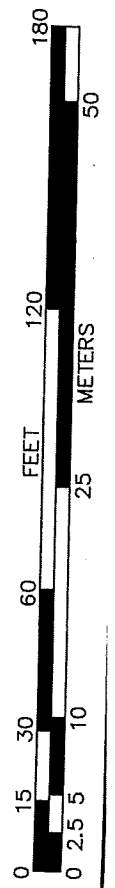
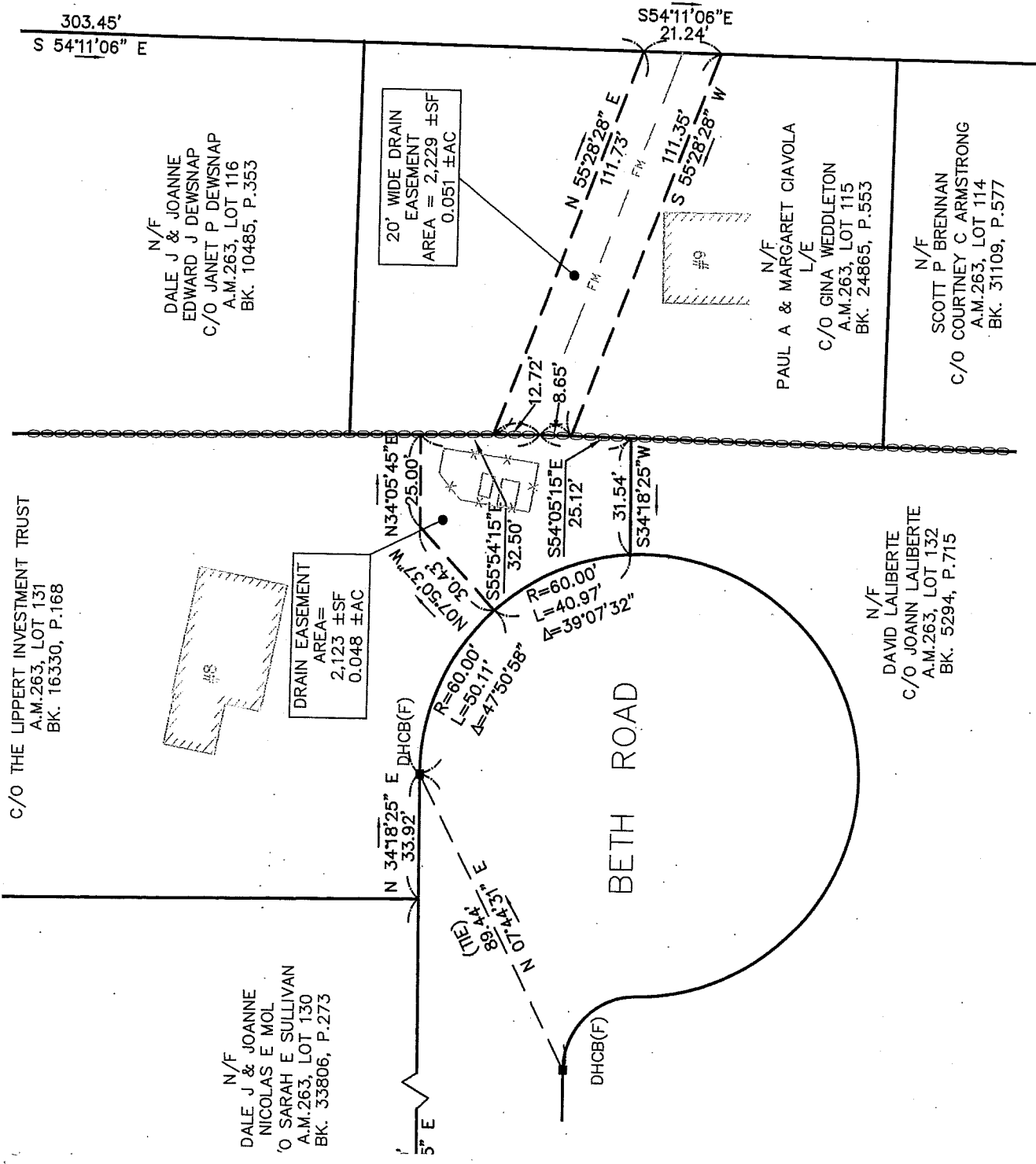
NORFOLK, SS:

On this 2<sup>nd</sup> day of January, 2018 before me, the undersigned notary public, personally appeared Gina Weddleton, proved to me through satisfactory evidence of identification, which was license, to be the person whose name is signed on the preceding document and acknowledged to me that she signed it voluntarily for its stated purpose.



Amy C. Linehan  
Notary Public  
My commission expires: 4/20/23

# TYSON ROAD



VD IS SUBJECT TO ANY  
RY, RESTRICTIONS,  
IMITATIONS WHICH MAY  
NATION OF THE TITLE.