

Town of Franklin

Town Administrator
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355 East Central Street
Franklin, Massachusetts 02038-1352

MEMORANDUM

TO: Franklin Town Council

FROM: Jeffrey D. Nutting, Town Administrator

RE: Resolution 17-39 Grant of Reserved Sewer Easement by
Town to Charles River Pollution Control District

DATE: June 12, 2017

The Town recently closed on the sale of Town-owned property at 0 Pond Street to Baystone Franklin, LLC. In reviewing the title documents to prepare the deed, the Town Attorney determined that there was no easement on record for a section of Charles River Pollution Control District's interceptor which traverses the property. Accordingly, he reserved a sewer easement in Town's deed to Baystone Franklin, LLC for this section of interceptor, with the intent that Town would subsequently grant this reserved easement to CRPCD. Resolution 17-39 grants the reserved sewer easement to CRPCD and authorizes me to execute the attached Grant of Reserved Sewer Easement.

JDN:ce





Sponsor: Administration

TOWN OF FRANKLIN

RESOLUTION 17-39

GRANT OF RESERVED EASEMENT ON FORMER TOWN-OWNED LAND ON POND STREET TO CHARLES RIVER POLLUTION CONTROL DISTRICT

WHEREAS, Town, until recently, owned two parcels of unimproved land on the westerly side of Pond Street, title reference: Norfolk County Registry of Deeds Book 1281, Page 108, and

WHEREAS, Town permitted Charles River Pollution Control District to install and maintain sewer pipes and related structures on said property, and

WHEREAS, the location of said sewer installation is delineated on a plan of land prepared in connection with Town's sale of said property, said plan being captioned "Conveyance Plan of Land off Pond Street Lots 3 & 4 Map 258 Town of Franklin, Norfolk County, Commonwealth of Massachusetts" dated April 3, 2017, revised through May 5, 2017, and recorded at Norfolk County Registry of Deeds in Plan Book 658 at Page 62, and

WHEREAS, it has been determined that a portion of said sewer installation enjoys the benefit of an easement recorded at said Registry of Deeds in Book 8366 at Page 90, but that another portion does not, and

WHEREAS, Town conveyed said property on May 22, 2017 to Baystone Franklin, LLC by deed with reserved easements, covenants and restrictions executed on May 22, 2017 and recorded that date at said Registry of Deeds in Book 35129 at Page 16, and

WHEREAS, one of the easements which Town reserved in said instrument was a twenty-foot wide sewer easement for the portion of the District sewer installation which does not presently enjoy the benefit of an easement, said easement having been reserved therein for subsequent grant to District,

NOW THEREFORE, BE IT RESOLVED THAT the Town Council of the Town of Franklin hereby grants to Charles River Pollution Control District the twenty-foot wide sewer easement reserved by Town in its deed to Baystone Franklin LLC dated May 22, 2017 and recorded at Norfolk County Registry of Deeds in Book 35129 at Page 16, shown on the above-described plan of land recorded at said Registry of Deeds in Plan Book 658 at Page 62, further shown on said plan, beginning at a point in the south-central portion of said parcel and thence running northerly to the northerly boundary of said parcel, designated in two places on said plan as "Charles River Pollution Control District 20' wide sewer easement 17,292 sq. ft. +/- (0.397 acre +/-)", together with all of Town's reserved rights, as set out in said deed, as more fully set

out and upon the terms and conditions 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 rules and regulations of the Town of Franklin Home Rule Charter.

DATED: _____, 2017

VOTED:

UNANIMOUS _____

A True Record Attest:

YES _____ **NO** _____

ABSTAIN _____

Teresa M. Burr
Town Clerk

ABSENT _____

Judith Pond Pfeffer, Clerk
Franklin Town Council

Exhibit 1

GRANT OF RESERVED SEWER EASEMENT

The Town of Franklin, a duly-organized municipal corporation with administrative offices located in the Franklin Municipal Building, 355 East Central Street, Franklin, Norfolk County, MA acting by and through its Town Administrator, duly-authorized, (hereinafter: "Town") for consideration paid and in full consideration of

One Dollar (\$1.00)

hereby grants to the **Charles River Pollution Control District**, a water pollution abatement district established pursuant to the provision of G.L.c. 21 §§ 28, 29, and 30, acting by and through its Commissioners, with administrative offices at 66 Village Street, Medway, Norfolk County, MA, all of the Town of Franklin's right, title and interest in and to the twenty-foot wide perpetual easement to install, construct, repair, operate, use or maintain a system of waste water interceptors and related purposes which include two sewer interceptors, one of which is a 24-inch gravity fed reinforced concrete pipe and the other of which is an 18-inch ductile iron force main located on land now or formerly known and numbered as **0 Pond Street, Franklin, Massachusetts**, which easement is shown on the plan titled "Conveyance Plan of Land Off Pond Street 0 Pond Street Lots 3 & 4, Map 258 Town of Franklin, Norfolk County Commonwealth of Massachusetts" prepared by Control Point Associates, Inc. dated 4-3-17 revised through 5-5-17, Scale 1"=80' Job No. 03-160043 recorded with said Deeds in Plan Book 658, Plan 62.

The easement granted herein was expressly reserved by the Town in its deed to Baystone Franklin LLC dated May 22, 2017 and recorded at Norfolk County Registry of Deeds in Book 35129 at Page 16, and begins at a point in the south-central portion of the parcel of land delineated therein and thence runs northerly to the northerly boundary of said parcel, designated in two places on said plan as "CHARLES RIVER POLLUTION CONTROL DISTRICT 20' WIDE SEWER EASEMENT 17,292 sq. ft. +/- (0.397 acre +/-)",

The Town further grants to the Charles River Pollution Control District all of Town's reserved rights as set out in said deed in Book 35129 at Page 16, namely: all ownership rights in any headwalls, pipes, manholes, conduits, fixtures or other structures or appurtenances that are now or may hereafter be constructed or installed in, through, or under the above-described land; also, the perpetual right to enter the above-described land on foot or with vehicles and/or equipment to inspect, improve,

maintain, repair, and/or replace the entire system and/or any portion or component thereof.

For the Town's title to the two parcels of unimproved land on the westerly side of Pond Street granted to Baystone Franklin LLC, see Book 1281, Page 108.

In witness whereof, the Town of Franklin has caused this instrument to be executed on its behalf this ____ day of _____ 2017 by its Town Administrator, duly-authorized.

Town of Franklin, by:

Jeffrey D. Nutting, Town Administrator

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss.

On this ____ day of _____, 2017 before me, the undersigned notary public, personally appeared Jeffrey D. Nutting, as Franklin Town Administrator, proved to me through satisfactory evidence of identification, which was personal knowledge, 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.

Notary Public
My commission expires: _____