



TOWN OF FRANKLIN

RESOLUTION 17-66

ASSENT TO GRANT OF UTILITY EASEMENT ON FORMER TOWN-OWNED LAND ON POND STREET

WHEREAS, Town of Franklin formerly owned land on the westerly side of Pond Street which it conveyed to Baystone Franklin, LLC by deed dated May 22, 2017 and recorded at Norfolk County Registry of Deeds in Book 35129 at Page 16, expressly reserving to itself a thirty-foot wide drainage easement, and

WHEREAS, Brendon Properties Brookview, LLC, the successor by merger to Baystone Franklin LLC, is the present owner of said property and is constructing a multi-family residential development which requires electric service, and

WHEREAS, Massachusetts Electric Company is an electric company as defined in G.L. Chapter 164, Section 1 and provides electric service in the Town of Franklin, and

WHEREAS, Massachusetts Electric Company requires that the property owner grant it an access easement to provide electric service and that Town of Franklin assent to said grant and permit it to install electric service through Town's drainage easement.

NOW, THEREFORE, BE IT RESOLVED THAT the Town Council of the Town of Franklin hereby assents to the utility easement from Brendon Properties Brookview, LLC to Massachusetts Electric Company through, under, over, across and upon land located on the westerly side of Pond Street, described in a deed recorded in Norfolk Registry of Deeds in Book 35129 at Page 16 for the sole purpose of providing electric service to said property, 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 the assent to 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

Property Address: Pond St (Brookside Condo) Franklin, MA (Norfolk County)

GRANT OF EASEMENT

BRENDON PROPERTIES BROOKVIEW, LLC, a Massachusetts limited liability company having a usual place of business at 259 Turnpike Road, Suite 110, Southborough, Massachusetts 01772, and being the surviving entity by merger with **Baystone Franklin, LLC**, (hereinafter referred to as the Grantor), for consideration of One (\$1.00) dollar, grants to **MASSACHUSETTS ELECTRIC COMPANY**, a Massachusetts corporation with its usual place of business at 40 Sylvan Road, Waltham, Massachusetts 02451 (hereinafter referred to as the Grantee) with quitclaim covenants, the perpetual right and easement to install, construct, reconstruct, repair, replace, add to, maintain and operate for the transmission of high and low voltage electric current and for the transmission of intelligence, lines to consist of, but not limited to, several poles and/or pushbraces, (which may be erected at different times) with wires and cables strung upon and from the same and all necessary anchors, guys, and appurtenances (hereinafter referred to as the "OVERHEAD SYSTEM") and "UNDERGROUND ELECTRIC DISTRIBUTION SYSTEM" (hereinafter referred to as the "UNDERGROUND SYSTEM") located in Franklin, Norfolk County, Massachusetts, consisting of lines of buried wires and cables and lines of wires and cables installed in underground conduits, together with all equipment and appurtenances thereto for the transmission of intelligence and for the furnishing of electric service to the herein described premises and others, and without limiting the generality of the foregoing, but specifically including the following equipment, namely: bollards, handholes, pedestals, junction boxes, pull boxes, transformers, padmount transformers and all housings, connectors, switches, conduits, cables and wires all located within the easement area of the hereinafter described property.

Said "OVERHEAD SYSTEM" and "UNDERGROUND SYSTEM" are to be located in, through, under, over, across and upon certain parcels of land situated on the westerly side of Pond Street, being shown as Lot 3 and Lot 4 on a Plan of Land recorded with the Norfolk County Registry of Deeds **Plan Book 658, Page 62**.

Said "OVERHEAD SYSTEM" is to originate at Pole # 6, which is located on the easterly side of Pond Street, then proceed in a westerly direction from said Pole over, upon and across land of the Grantor to new Pole# 6-1 and Pushbrace # 6-1A, and also to originate from Pole# 12, which is located on the westerly side of Pond Street, to Pushbrace# 12A, to be located upon land of the Grantor.

WR#23783026

Address of Grantees:
Mass El. - 40 Sylvan Road, Waltham, Massachusetts 02451

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

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And further, said "OVERHEAD SYSTEM" and "UNDERGROUND SYSTEM" (locations of the electrical equipment and other facilities on the hereinbefore referred to premises of the Grantor) are approximately shown on a sketch entitled: "Massachusetts Electric, Feeder: 344W3, Work Location: Brookview-96 Unit Residential Condo Project, Date: 30/28/2017, Easement Drawing: 23783026, District Engineer: M. Roberts," 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 Grantee herein, but the final definitive locations of said "OVERHEAD SYSTEM" and "UNDERGROUND SYSTEM" shall become established by and upon the installation and erection thereof by the Grantee.

Also with the further perpetual right and easement from time to time 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, patrol and otherwise change said "OVERHEAD SYSTEM" and "UNDERGROUND 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 Grantee, its successors and assigns, and to clear and keep cleared the portions and areas of the premises wherein the "OVERHEAD SYSTEM" and "UNDERGROUND SYSTEM" are specifically located, as shown on the sketch herein referred to, of such trees, shrubs, bushes, above ground and below ground structures, objects and surfaces, as may, in the opinion and judgment of the Grantee, interfere with the efficient and safe operation and maintenance of the "OVERHEAD SYSTEM" and "UNDERGROUND SYSTEM" and other related electrical equipment. However, said Grantee, its successors and assigns, will properly backfill said excavation or excavations and restore the surface of the land to as reasonably good condition as said surface was in immediately prior to the excavation or excavations thereof.

If said herein referred to locations as approximately shown on the sketch herein also referred to are unsuitable for the purposes of the Grantee, its successors and assigns, then said locations may be changed to areas mutually satisfactory to both the Grantor and the Grantee herein; and further, said newly agreed to locations shall be indicated and shown on the sketch above referred to by proper amendment or amendments thereto. The Grantor, for itself, its successors and assigns, covenant and agrees with the Grantee, for itself, its successors and assigns, that this Grant of Easement and the location of the "OVERHEAD SYSTEM" and "UNDERGROUND SYSTEM" may not be changed or modified without the written consent of the Grantee, its successors and assigns, which consent may be withheld by the Grantee in its sole discretion.

It is the intention of the Grantor to grant to the Grantee, its successors and assigns, all the rights and easements aforesaid and any and all additional and/or incidental rights needed to install, erect, maintain and operate within the Grantor's land an "OVERHEAD SYSTEM" and "UNDERGROUND SYSTEM" for the transmission of intelligence and for the purpose of supplying electric service for the building, buildings or proposed buildings shown on the last herein referred to sketch or amended sketch and the right to service others from said "OVERHEAD SYSTEM" and "UNDERGROUND SYSTEM".

By signing this easement, Brendon P. Giblin certifies that he is signing in the name of the Brendon Properties Brookview, LLC and he is the incumbent manager and is empowered to grant the within easement on the terms and conditions stated herein.

It is agreed that the "OVERHEAD SYSTEM and "UNDERGROUND SYSTEM" shall remain the property of the Grantee, its successors and assigns, and that the Grantee, its successors and assigns, shall pay all taxes assessed thereon.

WR#23783026

The provisions of Massachusetts
General Laws, Chapter 183,
Section 6B, are not applicable.

For Grantor's title, see deed dated May 22, 2017, recorded with the Norfolk County Registry of Deeds in Book 35129, Page 16.

Executed as a sealed instrument as of this 22nd day of September, 2017.

BRENDON PROPERTIES
BROOKVIEW, LLC



By: BRENDON P. GIBLIN
Its: Manager

WR#23783026

The provisions of Massachusetts
General Laws, Chapter 183,
Section 6B, are not applicable.

Commonwealth of Massachusetts

County of Worcester } ss.

On this the 22nd day of September, 2017, before me,

Leslie S. Carey the undersigned Notary Public,
Name of Notary Public

personally appeared BRENDON P. GIBLIN, proved to me through satisfactory evidence of identity, which was

personally known
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 as Manager of Brendon Properties Brookview, LLC.

Leslie S. Carey
Signature of Notary Public



My Commission Expires _____

Place Notary Seal and/or Any Stamp Above

WR#23783026

The provisions of Massachusetts
General Laws, Chapter 183,
Section 6B, are not applicable.

ASSENTED to this _____ day, of _____, 2017, by the TOWN OF FRANKLIN in relation to the reservation of a 30-foot wide drainage easement described in a Quitclaim Deed, with Reserved Easements, Covenants, and Restrictions to Baystone Franklin, LLC, being dated May 22, 2017, and recorded with the Norfolk County Registry of Deeds in Book 35129, Page 16.

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

the undersigned Notary Public,

Name of 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 as the Town Administrator for the Town of Franklin, being duly authorized.

Signature of Notary Public

Printed Name of Notary

My Commission Expires _____

Place Notary Seal and/or Any Stamp Above

WR#23783026

The provisions of Massachusetts
General Laws, Chapter 183,
Section 6B, are not applicable.

ASSENTED to this _____ day, of _____, 2017, by the CHARLES RIVER POLLUTION CONTROL DISTRICT, acting by and through its Board of Commissioners in relation to that certain Easement dated June 28, 1989, recorded with the Norfolk County Registry of Deeds in Book 8366, Page 90, and also an Agreement as to Easement Between Charles River Pollution Control District and Baystone Franklin, LLC, said agreement being dated May 11, 2017, and recorded with the Norfolk County Registry of Deeds in Book 35129, Page 38.

**CHARLES RIVER POLLUTION
CONTROL DISTRICT**

By: Its Board of Commissioners

By: DOUGLAS M. DOWNING

By: DAVID C. FORMATO

By: GENE GUIDI

By: PAUL J. DESIMONE

WR#23783026

The provisions of Massachusetts
General Laws, Chapter 183,
Section 6B, are not applicable.

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 DOUGLAS M. DOWNING, DAVID C. FORMATO, GENE GUIDI, and
PAUL J. DESIMONE, proved to me through satisfactory evidence of identity, which was

Description of Evidence of Identity

to be the persons whose names are signed on the preceding Grant of Easement, and
acknowledged to me that they signed it voluntarily for its stated purpose as authorized members
of the Board of Commissioners for the Charles River Pollution Control District.

Signature of Notary Public

Printed Name of Notary

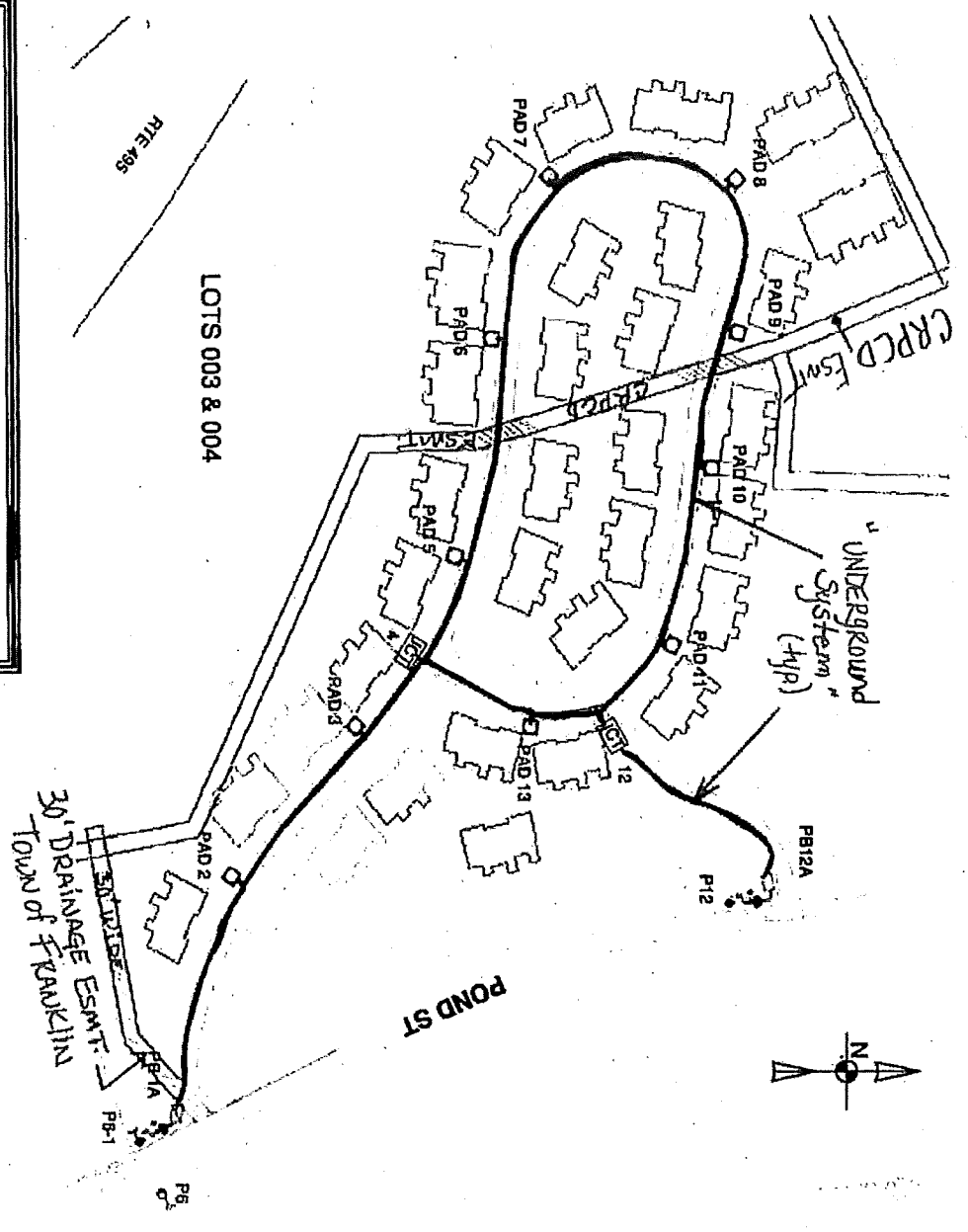
My Commission Expires _____

Place Notary Seal and/or Any Stamp Above

WR#23783026

The provisions of Massachusetts
General Laws, Chapter 183,
Section 6B, are not applicable.

EXHIBIT A



LEGEND	
	NEW 3 PH UG RISER
	EXISTING JO POLE
	ELECTRICAL SYSTEM FOR DISTRIBUTION PRIMARY
	PRIMARY PULL BOX
	SINGLE PHASE MINI PAD TRANSFORMER
	FIBERGLASS PRIMARY JUNCTION PEDESTAL

NOTES:
 CUSTOMER TO INSTALL ALL CONDUIT AND REQUIRED FOUNDATIONS FOR ELECTRICAL SYSTEM DESIGNED FOR BROOKVIEW RESIDENTIAL CONDO PROJECT. NATIONAL GRID TO INSTALL PRIMARY CABLE, SWITCH JUNCTIONS AND SINGLE PHASE MINI PAD URD STYLE TRANSFORMERS PROVIDING CUSTOMERS WITH 120/240 VOLT SINGLE PHASE POWER FROM TRANSFORMER LOCATIONS.

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.

LOTS 003 & 004

RTE 495

POND ST

30' DRAINAGE ESMT
 TOWN OF FRANKLIN