


Memo

To: Town Council
From: Jeffrey D. Nutting 
Date: December 1, 2016
Re: Grant of Utility Easement

There has been a Town owned drain pipe on this property for a long time without an easement. This Resolution will allow the Town to access and repair it as required.

Please feel free to call with questions.



Sponsor: Administration

TOWN OF FRANKLIN

RESOLUTION 16-73

**ACCEPTANCE OF GRANT OF UTILITY (DRAINAGE) EASEMENT ON
PROPERTY AT
9 MACKINTOSH STREET, FRANKLIN**

WHEREAS, James D. Strouse and Donna V. Strouse are the owners of a certain parcel of land located at 9 Mackintosh Street in Franklin described in a deed dated May 26, 2011 and recorded at Norfolk Registry of Deeds in Book 28824, Page 419 and

WHEREAS, James D. Strouse and Donna V. Strouse, having agreed to grant to the Town of Franklin an easement across a portion of their land to construct, maintain and replace drain pipes and structures of any type, have executed a Grant of Utility (Drainage) Easement to the Town of Franklin for nominal consideration, a true copy of said Grant of Utility (Sewer) Easement being attached hereto as "Exhibit 1".

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 it is further ordered that a true copy of this resolution be recorded with the 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: _____, 2016

VOTED:
UNANIMOUS _____

A True Record Attest:

YES _____ **NO** _____

ABSTAIN _____

Teresa M. Burr
Town Clerk

ABSENT _____

Judith Pond Pfeffer, Clerk
Franklin Town Council

GRANT OF UTILITY (DRAINAGE) EASEMENT

WE, James D. Strouse and Donna V. Strouse, husband and wife as tenants by the entirety, both of 9 Mackintosh Street, Franklin, Norfolk County, MA, for consideration paid and in full consideration of:

One Dollar (\$1.00)

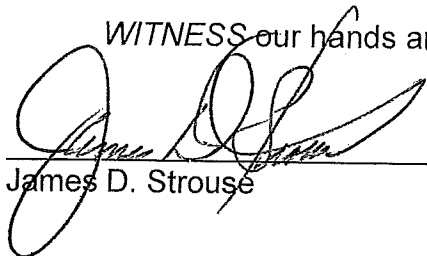
GRANT to the Town of Franklin, a duly-organized municipal corporation with administrative offices located in the Municipal Building, 355 East Central Street, Franklin, Norfolk County, MA, a permanent easement over, under, and through land of Grantors located at 9 Mackintosh Street in said Franklin. For Grantors' Title, see deed dated May 26, 2011 and recorded at Norfolk Registry of Deeds in Book 28824 at Page 419, said easement being shown as "20 ft. Wide Drain Easement Area = 2182 sq. ft., more or less 0.050 acres, more or less" on a plan entitled "Drain Easement Plan of Land at Mackintosh Street Franklin Massachusetts" dated June 8, 2016 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 drain pipes, and structures of any type as are commonly used in the Town of Franklin, including, without limitation, the right, but not the obligation, to use, construct, inspect, repair, and forever maintain said drain pipes and structures and the right to enter on foot and with equipment and vehicles to perform any of said work.

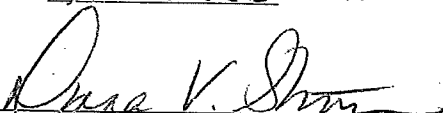
Further, the said Grantors do hereby grant unto the Grantee and its successors and assigns forever, ownership rights in all pipes, manholes, conduits, fixtures, and all appurtenances thereto that are now or hereafter may be constructed or installed in, through, or under the above-described land.

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.

WITNESS our hands and seals this 28th day of November 2016.


James D. Strouse


Donna V. Strouse

COMMONWEALTH OF MASSACHUSETTS

Norfolk, SS:

On this 28 day of November, 2016, before me, the undersigned notary public, personally appeared James D. Strouse and Donna V. Strouse, each proved to me through satisfactory evidence of identification, which were MA. LIC, to be the person whose name is signed on the preceding document and each acknowledged to me that he/she signed it voluntarily for its stated purpose.

Nancy Kamell
Notary Public
My commission expires: Dec 30, 2022

