

May 28, 2020

BY EMAIL

Paul J. Haverty, Esq.
Blatman, Bobrowski & Haverty, LLC
9 Damonmill Square, Suite 4A4
Concord, MA 01742

RE: 150 North Road/Charles Way- Road and Eminent Domain Issues

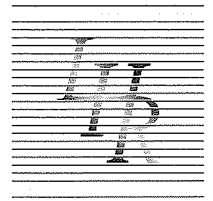
Dear Paul:

I enclose copies of the original seven (7) deeds to the existing single family homes along Charles Way. In addition, I have provided you with the source deed from Kathleen Harrington to the Fre-West Realty trust that developed the property. You will also see the Form E Covenant that supposedly prohibited the conveyance of separate lots until such time as the work to be completed consistent with the subdivision approval and plan had been completed. The language in each individual deed expressly stated that the fee in Charles Way was not conveyed but that an easement or license for use by each owner of Charles Way as if it was a street was granted.

My goal on behalf of the client is to allow the client's proposed subdivision to be approved conditionally, subject to the Town's acceptance of Charles Way as a public way. My client would escrow monies with the Town to be released once his subdivision has been approved and Town Meeting has accepted Charles Way as a public way. If either of those conditions was not met, his funds would not be released to the Town from the escrow but returned to him since he would have no benefit. As we discussed, presuming that all required work was completed to allow the Town to accept the road, it is difficult to imagine any basis why the Town would not accept the road as a public way. This must also be considered in context with the fact that the Town is prohibited from using public funds to maintain private roads, and the fact that the Town granted an easement to the Sewer Commission.

I am prepared to assist and work with you towards the goal of getting the Town to own the fee and then having the required stormwater work to be completed pursuant to the new guidelines that the Town must meet.

May 28, 2020
Page two



My client simply wants to proceed with development of his land consisting of 8.17 acres, more or less, into an 8-lot residential subdivision with two (2) lots using North Road as frontage, four (4) lots using Charles Way as frontage, and two (2) lots using common driveways via a waiver of road construction off Charles Way.

Currently, there is no homeowners' association in place that maintains Charles Way, and there is no question that the single family homes using Charles Way as access and frontage are connected to the Town sewer system and benefit from other maintenance and repair activities relating to Charles Way that are not being offered to other residents who reside on private road/ways who self-fund things like snow removal, stormwater management/drains and other similar type repairs or upkeep like potholes and paving.

The estimated costs to do that work are above \$100,000.00 as the Owner understands it after consulting with the DPW/Highway Department. The Owner cannot unilaterally on his own perform the required work absent the Town's taking of Charles Way by eminent domain or some other legal basis for the sole purpose of making it a public road. The specific amounts and scope of work will need to be specified but we are confident that the DPW/Highway Department can provide such specifications and details to allow the Owner and the Town to have a clear path to getting Charles Way into a condition that it can be accepted as a public road. The Owner's monetary contribution would remain in escrow until such time as Charles Way was in fact accepted as a public way and the Owner was able to obtain all required approvals for the 8-lot definitive subdivision plan using Charles Way as a public road.

The Owner welcomes any other approaches that the Town may suggest in this regard.

In advance, thank you for your attention to these matters.

Sincerely,

A handwritten signature in black ink, appearing to read 'Douglas E. Hausler', written over a light blue horizontal line.

Douglas E. Hausler

BK2899

BK2899 PG 174

I, Kathleen G. Harrington, Individually,
of Chelmsford, Middlesex County, Massachusetts
in consideration of one hundred ninety thousand and no/100 (\$190,000.00)
Dollars

grant to Robert F. Predo, Jr., C. William Wester and Charles W. Morgan,
Trustees of Pre-West Realty Trust, a Declaration of Trust dated
November 21, 1984 and recorded herewith,
of


with quitclaim covenants
the land in said Chelmsford, situated on the northwesterly side of North
Road and being shown as Lots 1 through 7 and Charles Way on a plan
of land entitled "Definitive Subdivision Plan, Longley Estates IV,
located in Chelmsford, Ma." Scale: 1"-40', Date: July 20, 1984,
Rev. Sept. 14, 1984, Owner: Kathleen G. Harrington, Prepared by:
Richard F. Kaminski and Associates, Inc., which plan is to be
recorded herewith and to which reference is hereby made for a more
particular description.

Lot 1 is subject to two drainage easements shown on said plan.

Conveyed together with the fee in said Charles Way. There is hereby
granted the right to use the said Charles Way in common with all
others legally entitled thereto for all purposes for which streets
and ways are commonly used in the Town of Chelmsford.

Being the same premises conveyed to my late husband, Charles D.
Harrington and myself at deed recorded with said Registry in Book
1032, Page 483. Excepting therefrom so much of the land as recorded
in deeds at said Registry in Book 1146, Page 322 and Book 1225,
Page 568.

See L-8 for the said Charles D. Harrington recorded with said
Registry in Book 2303, Page 163.



Executed as a sealed instrument this 27th day of November 19 84
Kathleen G. Harrington
Kathleen G. Harrington

The Commonwealth of Massachusetts

Middlesex ss. November 27, 19 84

Then personally appeared the above named Kathleen G. Harrington

and acknowledged the foregoing instrument to be her free act and deed
Before me, Dennis E. McHugh
Dennis E. McHugh Notary Public
My commission expires 2 - 15 19 91

Rec Nov 27 1984 3:24PM #37926

See Pl. Bk. 146-6

TOWN OF CHELMSFORD, MASSACHUSETTS

FORM E

COVENANT

The undersigned Charles W. Morgan
of Nashua (name of municipality), New Hampshire

(name of state), hereinafter called "Covenanter", having submitted

to the Chelmsford Planning Board application for approval of a
Definitive Plan of a subdivision entitled, Longley Estate, IV
July 20

Chelmsford, Mass., dated revised Sept 14, 1984, designed

by Richard Kaminski Associates does hereby covenant and agree

with said Planning Board and the successors in office of said
Board, pursuant to Sec. 81-U, Chapter 41, G.L. (Ter. Ed.) as
amended, that:

1. Except as otherwise expressly provided in Sec. 81-U of Ch. 41, G.L., no lot included on such plan shall be built upon or conveyed until the work on the ground necessary to serve such lot has been completed in the manner specified by the Subdivision Regulations of the Town of Chelmsford or a performance bond or other security in lieu of completion has been accepted by the Planning Board, and in accordance with the covenants, conditions, agreements, terms and provisions contained in the following:
 - a) Application for Approval of Definitive Plan (Form C) signed by the Applicant and dated 7/17, 1984
 - b) The Definitive Plan as defined by the above Rules and Regulations and as qualified by the Certificate of Approval (Form D-1) issued by the Planning Board and dated 10/11, 1984.
2. All public improvements secured by this covenant shall be completed by 11/1, 1986.

See Pl. Bk. 146-6

See B 4048 p 219

- 3. No Certificate of Use and Occupancy shall be applied for until streets serving the building in question have been surfaced with at least a 1 1/2 inch binder course of bituminous concrete.
- 4. It is the intention of the covenantor and it is hereby understood and agreed that this contract shall constitute a covenant running with the land included in the aforesaid Subdivision and shall operate as restrictions upon said land, and shall be binding upon the executors, administrators, devisees, heirs, assigns, and successors in title to the premises.

It is understood and agreed that lots within the subdivision shall, respectively, be released from the foregoing conditions upon the recording of a Certificate of Release (Form G) executed by a majority of said Planning Board and enumerating the specific lots to be so released.

- 5. The undersigned covenantor represents and covenants that the undersigned is the owner* in fee simple of all the land included in the aforesaid subdivision and that there are no mortgages of record or otherwise on any of said land, except such as are described below and subordinated to this contract, and the present holders of said mortgages have assented to this contract prior to its execution by the Covenantor.

*If more than one owner, all must sign.

IN WITNESS WHEREOF the undersigned, covenantor as aforesaid, does hereunto set his hand and seal this 7th day or November, 1984.

Charles W. Morgan
Covenantor

OFFICE-113 Pleasant St
Address

Description of Mortgages: Dorchester Mass
HME-Connors to 148-Nashua N.H
(NONE)

(Give complete names and Registry of Deeds reference)

Assent of mortgagees:

47

BK2899

PG 177

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss. November, 1984.

Then personally appeared Charles W. Morgan
and acknowledged the foregoing instrument to be a free act and
deed, before me



seal

John W. Cane
NOTARY PUBLIC

My commission expires: 11-20-87

Approved by the Chelmsford Planning Board Nov 7, 1984
Date

Signed Richard M. Boyle
Clerk

Rec Nov 27 1984 3:25PM #37927

304817 P309

Alan Bradshaw and Marilyn Bradshaw,
of Chelmsford, Middlesex County, Massachusetts

in consideration of Three Hundred Fifty-Eight Thousand One Hundred Twenty-Two and No/100 (\$358,122.00)

grant to Jerome B. Jansen and Mildred Jansen, husband and wife, as tenants by the entirety,

of Lot 2, Charles Way, Chelmsford, Middlesex County, Massachusetts with quitclaim rotenants the land in said Chelmsford, Middlesex County, Massachusetts, shown as Lot 2 Charles Way on a plan of land entitled, "Definitive Subdivision Plan, Longley Estates IV, located in Chelmsford, MA." Scale: 1" = 40', Date: July 20, 1984, Rev. Sept. 14, 1984, Owner: Kathleen G. Harrington, prepared by: Richard P. Kaminski and Associates, Inc., which plan is recorded with Middlesex North District Deeds at Plan Book 146, Plan 6, and to which plan reference is hereby made for a more particular description.

Containing 42,651 square feet, more or less according to said plan.

Conveyed with the right to use the streets and ways for all purposes for which streets and ways are commonly used in the Town of Chelmsford, however, the fee contained therein is not hereby conveyed.

Being the same premises conveyed by to Grantor by deed of Charles Ennon, dated August 1, 1986 and recorded with Middlesex North District Registry of Deeds in Book 3630, Page 47.

DEEDS REC 14
MIDDLE NORTH
03/01/89

TAX 817.38
CHCK 817.38

3023A/00 11:55
EXCISE TAX

Executed as a sealed instrument this 28th day of February 1989

Alan Bradshaw
Marilyn Bradshaw

The Commonwealth of Massachusetts

Middlesex February 28 1989

Then personally appeared the above named Alan Bradshaw and Marilyn Bradshaw

and acknowledged the foregoing instrument to be their free act and deed

Before me

My commission expires

7.9

Notary Public
Austria of the Peace
1973

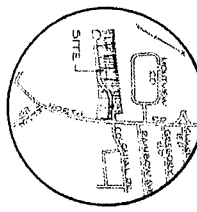
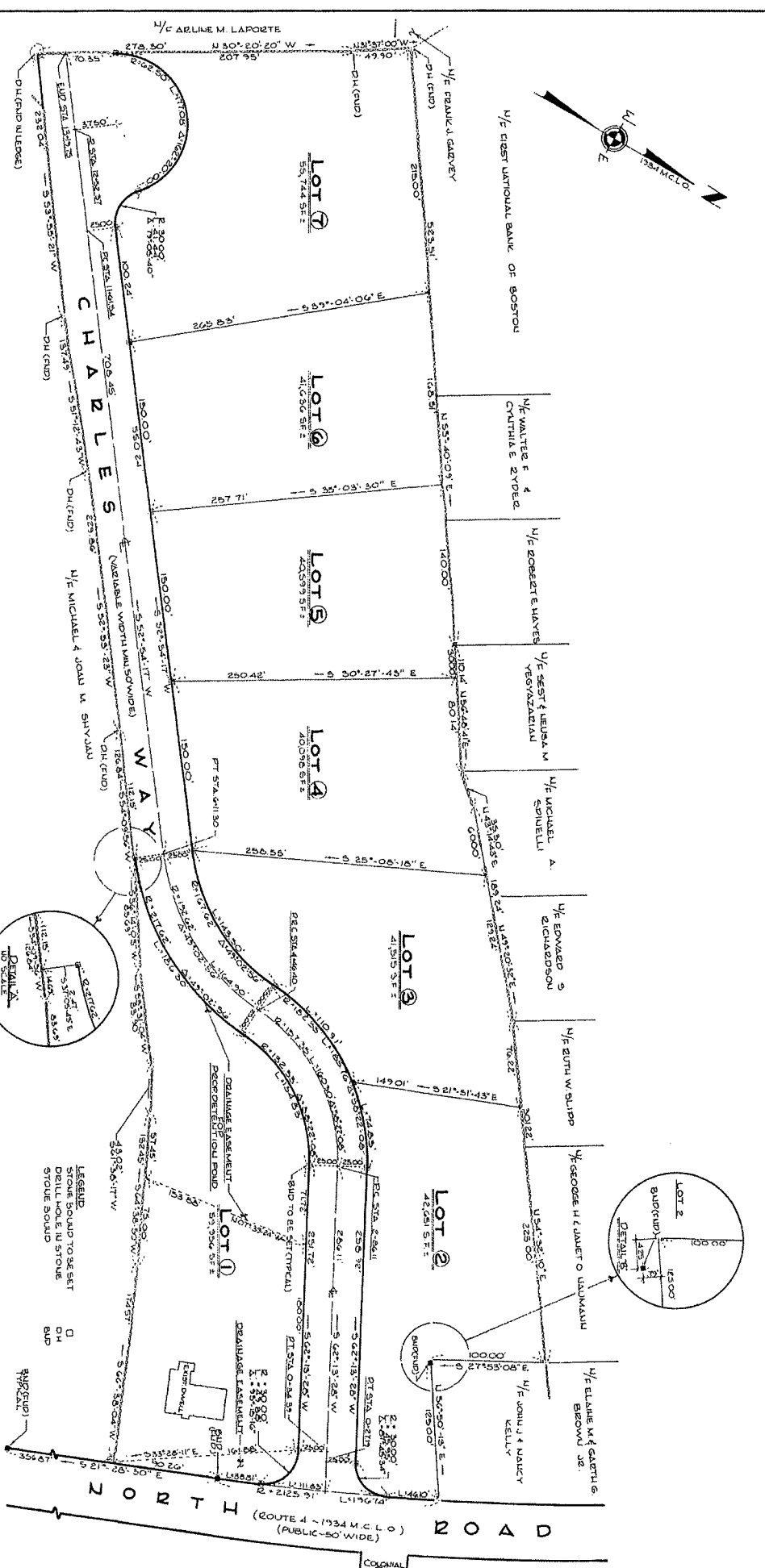
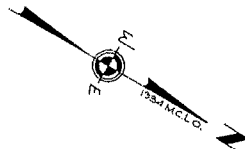
Premises: Lot 2 Charles Way, Chelmsford, Massachusetts

25.45

7787

03/01/89 11:55:57

*** PASS EXCISE TAX: 817.38 ***



LOCUS PLAN
SCALE 1" = 100'

I HEREBY CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN ACCORDANCE WITH THE TOWN OF CHELMSFORD SUBDIVISION RULES AND REGULATIONS I FURTHER CERTIFY THAT I HAVE REVIEWED THE RECORDS OF THE TOWN OF CHELMSFORD AND HAVE RECEIVED NO OBJECTIONS OR DECISIONS IN PREPARING THIS PLAN.

TOWN OF CHELMSFORD
OFFICE OF THE TOWN CLERK
THIS IS TO CERTIFY THAT ON [DATE] I RECEIVED FROM THE CHELMSFORD PLANNING BOARD A CERTIFICATION OF PLAN APPROVAL AND A CERTIFICATION OF THE TOWN ENGINEER'S APPROVAL OF THE PLAN FOLLOWING THE (20) TWENTY-DAY PERIOD OF ANY APPEAL FROM SAID DECISION.

CHELMSFORD PLANNING BOARD
[Signature]
[Signature]

DEFINITIVE SUBDIVISION PLAN LONGLEY ESTATES IV LOCATED IN CHELMSFORD MA.	
SCALE 1" = 40' DATE JULY 26, 2004 REV. SEPTEMBER 2004	PREPARED BY: DISTINGUISHED ENGINEERS AND ARCHITECTS, INC. 100 NORTH ROAD CHELMSFORD, MASSACHUSETTS 01824 C. W. MERRILL CO. INC. P. O. BOX 737 SCOTTON, MA
LAND PLAN	SHEET 1 FILE NO.

7/26/04

7/26/04
6

BK3261

49739 BK3261 PG 9

Robert F. Fredo, Jr., C. William Wester and Charles W. Morgan, Trustees of
Fre-West Realty Trust under Declaration of Trust dated November 21, 1984 and
recorded with Middlesex North District Registry of Deeds at Book 2899, Page 166,

of P.O. Box 97, Groton, Middlesex County, Massachusetts
in consideration of

ONE HUNDRED THOUSAND AND NO/100 (\$100,000.00) DOLLARS

grant to Charles Ennion,

of Billerica, MA

with quitclaim covenants
the land in said Chelmsford, Middlesex County, Massachusetts, shown as Lot 2
Charles Way on a plan of land entitled, "Definitive Subdivision Plan, Longley
Estates IV, located in Chelmsford, MA." Scale: 1" = 40', Date: July 20, 1984,
Rev. Sept. 14, 1984, Owner: Kathleen G. Harrington, prepared by: Richard F.
Kaminski and Associates, Inc., which plan is recorded with Middlesex North District
Deeds at Plan Book 146, Plan 6, and to which plan reference is hereby made for
a more particular description.

Containing 42,651 square feet, more or less according to said plan.

Conveyed with the right to use the streets and ways for all purposes for which
streets and ways are commonly used in the Town of Chelmsford, however, the fee
contained therein is not hereby conveyed.

Being a portion of the premises conveyed to us by deed of Kathleen M. Harrington,
dated November 27, 1984 and recorded with said Registry at Book 2899, Page 174.

PROPERTY ADDRESS: LOT 2 CHARLES WAY
CHELMSFORD, MA

Handwritten: *220.00* 11/22/85

Executed as a sealed instrument this 20th day of November 1985

Robert F. Fredo, Jr. Trustee
C. William Wester Trustee
Charles W. Morgan Trustee

101429811/22/85A RECORDED \$25.00

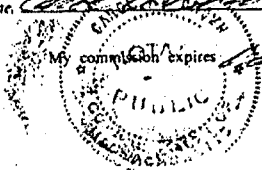
The Commonwealth of Massachusetts

Worcester, ss. November 20, 1985

Then personally appeared the above named Robert F. Fredo, Jr., C. William Wester and
Charles W. Morgan, Trustees as aforesaid

and acknowledged the foregoing instrument to be their free act and deed.

Before me, *[Signature]*
Notary Public
Justice of the Peace
My commission expires October 8, 1987



BK3266

50589

BK3266

PG 303

Robert F. Fredo, Jr., C. William Wester and Charles W. Morgan, Trustees of Fre-West Realty Trust under Declaration of Trust dated November 21, 1984 and recorded with Middlesex North District Registry of Deeds at Book 2899, Page 166,

of P.O. Box 97, Groton, Middlesex County, Massachusetts in consideration of EIGHTY-SEVEN THOUSAND AND NO/100 (\$87,000.00) DOLLARS

grant to Charles K. McLaughlin, individually,

of 7 Summit Avenue, Chelmsford, Massachusetts with quitclaim covenants the land in said Chelmsford, Middlesex County, Massachusetts, shown as Lot 3 Charles Way on a plan entitled, "Definitive Subdivision Plan, Longley Estates IV, located in Chelmsford, MA." Scale: 1" = 40', Date: July 20, 1984 Rev. Sept. 14, 1984, Owner: Kathleen G. Harrington, prepared by: Richard F. Kaminski and Associates, Inc., which plan is recorded with Middlesex North District Registry of Deeds at Plan Book 146, Plan 6, and to which plan reference is hereby made for a more particular description.

Lot 3 containing 41,515 square feet, more or less, according to said plan.

Conveyed with the right to use the streets and ways for all purposes for which streets and ways are commonly used in the Town of Chelmsford, however, the fee contained therein is not hereby conveyed.

Being a portion of the same premises conveyed to us by deed of Kathleen M. Harrington, dated November 27, 1984 and recorded with said Registry at Book 2899, Page 174.

The undersigned hereby certify that the said trust has not been amended and is in full force and effect and that all of the beneficiaries of said trust have authorized the execution of this deed.

PROPERTY ADDRESS: LOT 3 CHARLES WAY CHELMSFORD, MASS.

Executed as a sealed instrument this 18th day of Sept 19 85

Robert F. Fredo, Jr., Trustee
Robert F. Fredo, Jr., Trustee
C. William Wester, Trustee
Charles W. Morgan, Trustee

RECORDED \$25.00

The Commonwealth of Massachusetts

Middlesex, ss.

Sept 18 19 85

Then personally appeared the above named

Charles W. Morgan Trustee

and acknowledged the foregoing instrument to be his free act and deed.

Before me, Notary Public

My commission expires 6/27 1984

BK9212

BK9212 PG 58 42599

Robert F. Fredo, Jr., C. William Wester and Charles W. Morgan, Trustees of
Fre-West Realty Trust under Declaration of Trust dated November 21, 1984 and
recorded with Middlesex North District Registry of Deeds at Book 2899, Page 166,

of P.O. Box 97, Groton, Middlesex County, Massachusetts
in consideration of

SEVENTY-FIVE THOUSAND AND NO/100 (\$75,000.00) DOLLARS

grant to Howard J. Hall

of 187 Littleton Road Westford, MA with quitclaim covenants
the land in said Chelmsford, Middlesex County, Massachusetts, shown as Lot
No. 4 Charles Way on a plan entitled, "Definitive Subdivision Plan, Longley
Estates IV, located in Chelmsford, MA." Scale: 1" = 40', Date: July 20, 1984
Rev. Sept. 14, 1984, Owner: Kathleen G. Harrington, prepared by: Richard F.
Kaminski and Associates, Inc., which plan is recorded with Middlesex North
District Registry of Deeds at Plan Book 146, Plan 6, and to which plan reference
is hereby made for a more particular description.

Lot 4 containing 40,098 square feet more or less according to said plan.

Conveyed with the right to use the streets and ways for all purposes for which
streets and ways are commonly used in the Town of Chelmsford, however, the fee
contained therein is not hereby conveyed.

Being a portion of the same premises conveyed to us by deed of Kathleen M.
Harrington, dated November 27, 1984 and recorded with said Registry at Book 2899,
Page 174.

RECEIVED
MIDDLESEX COUNTY REGISTER
OCT 11 1985
171.00

Executed as a sealed instrument this 11th day of October 19 85

Robert F. Fredo, Jr. Trustee
C. William Wester, Trustee
Charles W. Morgan, Trustee

3:47PM 10/11/85A RECORD \$25.00

The Commonwealth of Massachusetts

Middlesex, ss. October 11, 19 85

Then personally appeared the above named Charles W. Morgan, Trustee as aforesaid,

and acknowledged the foregoing instrument to be his free act and deed.

Before me, Maureen Semekis Notary Public

My commission expires October 28, 19 88

BK3396

BK3396 PG 88 13338
Robert F. Fredo, Jr., C. William Wester and Charles W. Morgan, Trustees of
Fre-West Realty Trust under Declaration of Trust dated November 21, 1984 and
recorded with Middlesex North District Registry of Deeds at Book 2899, Page 166,

of P.O. Box 97, Groton, Middlesex County, Massachusetts
in consideration of NINETY-FOUR THOUSAND FIVE HUNDRED AND NO/100 (\$94,500.00) DOLLARS

grant to Donald M. Smith and Rita M. Smith, Husband and Wife, Tenants by the
Entirety

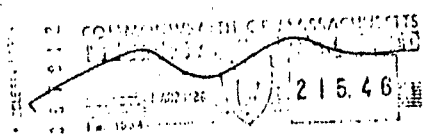
of 7 Summit Avenue, Chelmsford, Massachusetts with quitclaim covenants
the land in said Chelmsford, Middlesex County, Massachusetts, shown as
Lot 5 Charles Way on a plan entitled, "Definitive Subdivision Plan, Longley
Estates IV, located in Chelmsford, MA." Scale: 1" = 40', Date: July 20, 1984
Rev. Sept. 14, 1984, Owner: Kathleen G. Harrington, prepared by: Richard F.
Kaminski and Associates, Inc., which plan is recorded with Middlesex North
District Registry of Deeds at Plan Book 146, Plan 6, and to which plan reference
is hereby made for a more particular description.

Lot 5 containing 40,599 square feet, more or less, according to said plan.

Conveyed with the right to use the streets and ways for all purposes for which
streets and ways are commonly used in the Town of Chelmsford, however, the fee
contained therein is not hereby conveyed.

Being a portion of the same premises conveyed to us by deed of Kathleen M.
Harrington, dated November 27, 1984 and recorded with said Registry at Book 2899,
Page 174.

3:41PM03/21/86B RECORD \$25.00



Executed as a sealed instrument this 18 day of September 19 85
Robert F. Fredo, Jr., Trustee
C. William Wester, Trustee
Charles W. Morgan, Trustee

The Commonwealth of Massachusetts

Middlesex, ss. Sep 18 19 85

Then personally appeared the above named Charles W. Morgan, Trustee

and acknowledged the foregoing instrument to be his free act and deed,

Before me, Notary Public
My commission expires 6/27 1986

BK9183

38553 BK9183 PG 225

Robert F. Fredo, Jr., C. William Wester and Charles W. Morgan, Trustees of
Fre-West Realty Trust under Declaration of Trust dated November 21, 1984 and
recorded with Middlesex North District Deeds at Book 2899, Page 166,

of P.O. Box 97, Groton, Middlesex County, Massachusetts
in consideration of FIFTY THOUSAND AND NO/100 (\$50,000.00) DOLLARS

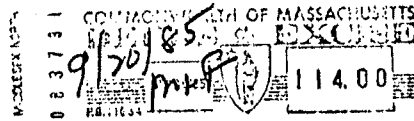
grant to Vinicio Medina and June ^DMedina, husband and wife, as tenants by the
entirety,

of 6 Charles Way, Chelmsford, MA with quitclaim covenants
the land in said Chelmsford, Middlesex County, Massachusetts, shown as Lot 6 on
a plan entitled, "Definitive Subdivision Plan, Longley Estates IV, located in
Chelmsford, MA." Scale: 1" = 40', Date: July 20, 1984, Rev. Sept. 14, 1984,
Owner: Kathleen G. Harrington, prepared by: Richard F. Kaminski and Associates,
Inc., which plan is recorded with Middlesex North District Registry of Deeds
at Plan Book 146, Plan 6, and to which plan reference is hereby made for a more
particular description.

Containing 41,636 square feet, more or less, according to said plan, and being
Lot 6 Charles Way shown on the above mentioned plan.

Being a portion of the premises conveyed to us by deed of Kathleen M. Harrington,
dated November 27, 1984 and recorded with said Registry at Book 2899, Page 174.

Conveyed with the right to use the streets and ways for all purposes for which
streets and ways are commonly used in the Town of Chelmsford, however, the fee
contained therein is not hereby conveyed.



Executed as a sealed instrument this

18th day of Sept. 19 85

Robert F. Fredo, Jr., Trustee
C. William Wester, Trustee
Charles W. Morgan, Trustee

9:41AM 09/20/85 RECD \$25.00

The Commonwealth of Massachusetts

Middlesex, is.

Sept 18 1985

Then personally appeared the above named Robert F. Fredo, Jr., C. William Wester,
and Charles W. Morgan, Trustees as aforesaid,

and acknowledged the foregoing instrument to be their free act and deed,

Before me, Edward J. Hall, Notary Public

My commission expires 6/30/86

BK9181

BK9181 PG 34 38159

Robert F. Fredo, Jr., C. William Wester and Charles W. Morgan, Trustees of
Fre-West Realty Trust under Declaration of Trust dated November 21, 1984 and
recorded with Middlesex North District Registry of Deeds at Book 2899, Page 166,

of P.O. Box 97, Groton, Middlesex County, Massachusetts
in consideration of FIFTY THOUSAND AND NO/100 DOLLARS

\$50,000

grant to Howard J. Hall

of ~~P.O. Box 97, Groton, MA~~ ^{187 Littleton Rd, Westford, Mass.} with quitclaim covenants

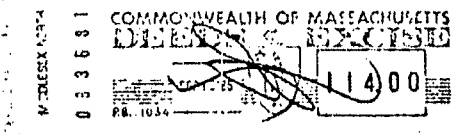
the land in said Chelmsford, Middlesex County, Massachusetts, shown as Lot 7
Charles Way on a plan entitled, "Definitive Subdivision Plan, Longley Estates IV,
located in Chelmsford, MA." Scale: 1" = 40', Date: July 20, 1984, Rev. Sept. 14,
1984, Owner: Kathleen G. Harrington, prepared by: Richard F. Kaminski and
Associates, Inc., which plan is recorded with Middlesex North District Registry
of Deeds at Plan Book 146, Plan 6, and to which plan reference is hereby made
for a more particular description.

Containing 55,744 square feet, more or less, according to said plan.

Conveyed with the right to use the streets and ways for all purposes for which
streets and ways are commonly used in the Town of Chelmsford, however the fee
contained therein is not hereby conveyed.

Being a portion of the same premises conveyed to us by deed of Kathleen M.
Harrington, dated November 27, 1984 and recorded with said Registry at Book 2899,
Page 174.

Property Add: North Rd, Chelmsford
Grantee Add: 187 Littleton Rd, Westford



Executed as a sealed instrument this 18th day of September 1985

Robert F. Fredo, Jr., Trustee
Robert F. Fredo, Jr., Trustee
C. William Wester, Trustee
C. William Wester, Trustee
Charles W. Morgan, Trustee
Charles W. Morgan, Trustee

12:59PM09/18/85B RECORD \$25.00

The Commonwealth of Massachusetts

Middlesex, ss. September 18, 19 85

Then personally appeared the above named Robert F. Fredo, Jr., C. William Wester
and Charles W. Morgan, Trustees as aforesaid,

and acknowledged the foregoing instrument to be his (free, etc. and deed)

Before me

[Signature]
Notary Public
Justice of the Peace
My commission expires July 24 19 92

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS.

TOWN OF CHELMSFORD

SANITARY SEWER SYSTEM

ORDER OF TAKING

The Board of Selectmen of the Town of Chelmsford, hereinafter called the "Board", acting herein under the authority given by Massachusetts General Laws, Chapter 79, and every other power and authority hereto enabling, having complied with all the preliminary requirements prescribed by law, and said Town, having made an appropriation therefor, does hereby adopt the following order:

ORDERED:

WHEREAS, the Board having determined and adjudged that the common convenience and necessity require the construction of a sanitary sewer system for the Town and its inhabitants and other users; and

WHEREAS, the Board has determined that the taking by eminent domain in fee simple of certain land, as hereinafter described, is necessary and reasonably required to carry out the purpose of the sanitary sewer system; and

WHEREAS, the vote of the 1995 Annual Fall Town Meeting of the Town of Chelmsford, authorized the Board to acquire by eminent domain, any fee, easement or other interest in land necessary for the construction and installation of a sewage system.

03/15/96 02:58:11 12761 10:00 12

03/15/96 PLAN BOOK: 190 PAGE: 124

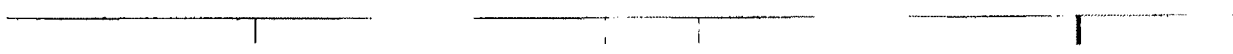


NOW THEREFORE, the Board, on behalf of the Town of Chelmsford, by the power of eminent domain, hereby take permanent easements in the parcels more fully described below: An easement in perpetuity, for the purpose of constructing, operating, and maintaining a sewer system, on, over, and under a parcel of land appurtenant to a parcel described in a deed recorded in the Middlesex North District Registry of Deeds Book 2899, Page 174 and supposed to belong to C. William Wester and Charles W. Morgan, Trustees of Fre-West Realty Trust. Said permanent easement is shown as Charles Way on a plan entitled "Definitive Subdivision Plan Longley Estates IV Located In Chelmsford, MA", prepared by Richard F. Kaminski and Associates, Inc. dated July 20, 1984, said plan recorded in said Registry of Deeds in Plan Book 146, Plan 6.

The said premises having been appraised by law, the Board determined that the following persons sustained damages in their property by reason of the within taking, the Board makes the following award:

Names:	C. William Wester and Charles W. Morgan, <u>Trustees of Fre-West Realty Trust</u> Supposed Owner	\$0.00 Award
--------	--	-----------------

Said damages, if any, shall be paid within sixty (60) days after the right to damages vest at the Chelmsford Town Hall.

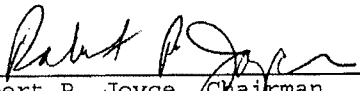


Betterments, where applicable, are to be assessed therefor.

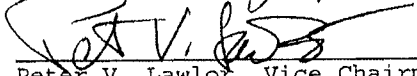
We the members of the Chelmsford Board of Selectmen, hereby certify that the foregoing action was taken at a meeting of said Board, duly called and held on the 11th day of March, 1996 and we hereby acknowledge this instrument of taking to be our free act and deed and the free act and deed of the Board of Selectmen of the Town of Chelmsford.

Witness our hands and seals this 11th day of March, 1996.

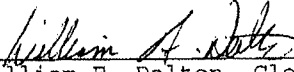
BOARD OF SELECTMEN




Robert P. Joyce, Chairman




Peter V. Lawlor, Vice Chairman



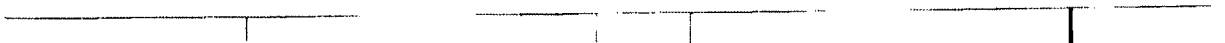
William F. Dalton, Clerk



Susan J. Gates



Thomas J. Welch




COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS.

March 11, 1996

Then personally appeared the above named ~~Robert P. Joyce,~~
~~Peter V. Lawler, William E. Dalton,~~ Susan J. Gates and Thomas J.
Welch and acknowledged the foregoing instrument to be the free act
and deed of the Chelmsford Board of Selectmen, before me,


Notary Public
My Commission Expires: 1/22/98