

Southern Middlesex - 20/20 Perfect Vision i2 Document Detail Report

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Doc#	Document Type	Town	Book/Page	File Date	Consideration
106675	DEED		65672/31	07/02/2015	404800.00
Property-Street Address and/or Description					
ALONG WARD ST					
Grantors					
MASSACHUSETTS COMM DIVISION OF CAPITAL ASSET MGT					
Grantees					
NEWTON CIRY					
References-Book/Pg Description Recorded Year					
Registered Land Certificate(s)-Cert# Book/Pg					

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Bk: 65672 Pg: 31 Doc: DEED
Page: 1 of 6 07/02/2015 02:09 PM

RELEASE DEED

THE COMMONWEALTH OF MASSACHUSETTS, acting by and through the Commissioner of its DIVISION OF CAPITAL ASSET MANAGEMENT AND MAINTENANCE ("DCAMM"), having an address at One Ashburton Place, Boston, Massachusetts 02108 (the "Grantor"), acting under the authority of Chapter 154 of the Acts of 2013 (the "Act"), for consideration of Four Hundred Four Thousand Eight Hundred Dollars (\$404,800.00), the receipt and sufficiency of which the Grantor hereby acknowledges, does hereby grant and release to the CITY OF NEWTON, with a mailing address of 1000 Commonwealth Avenue, Newton, Massachusetts 02459 (the "Grantee"), without covenants, all of its right, title and interest, if any, in a certain parcel of land known as the Waban Hill Reservoir, located along Ward Street, Newton, Massachusetts, containing 5.09± acres of land together with all improvements thereon (the "Premises") and being shown on a certain plan entitled "Commonwealth of Massachusetts, Metropolitan Water Board, Plan of Waban Hill Reservoir Lot, Newton, Mass" dated October 3, 1900 and recorded with the Middlesex South District Registry of Deeds, Book of Plans 126, Plan 36 (the "Plan") and as further described in Exhibit A attached hereto.

Meaning and intending to convey the Premises howsoever the same may be bounded and described, in their "as is" condition. The Premises are conveyed subject to the provisions of the Act, including, but not limited to, a conservation restriction with the benefit of Section 32 of Chapter 184 of the Massachusetts General Laws limiting the use of the Premises to open space or active or passive recreation purposes (the "Permitted Uses"), said conservation restriction to be recorded following the recordation of this Release Deed. It is the intent of the Parties hereto that all conditions herein shall run with the land and be deemed to be made for valuable consideration.

The Premises are conveyed subject to all matters of record to the extent the same are in force and effect and subject to applicable laws, rights and encumbrances.

In the event the Premises cease to be used solely for the Permitted Uses, other than for temporary periods due to causes beyond the control of the Grantee, then, following written notice and an opportunity to cure in accordance with the procedure set forth herein and upon the recording of a notice by the Commissioner of DCAMM with the Middlesex South Registry of Deeds, title to said Premises shall revert to the Commonwealth under the care and control of DCAMM and any further disposition shall be subject to sections 32 to 37, inclusive, of chapter 7C of the General Laws.

**City of Newton Law Department
1000 Commonwealth Avenue
Newton Centre, MA 02459**

Property Address: Along Ward Street, Newton, MA

If the Commonwealth claims that the Premises has ceased to be used solely for the Permitted Uses, the Commonwealth shall provide written notice (the "First Reversion Notice") to Grantee, either by personal delivery or by U.S. registered or certified mail, postage prepaid with return receipt requested, or by express courier service providing receipt for delivery. The First Reversion Notice shall state the facts upon which the Commonwealth claims either a cessation of use or improper use, as the case may be. All Notices to Grantee shall be sent to: City of Newton, Attn: Mayor, City Hall, 1000 Commonwealth Avenue, Newton, Centre 02459, with a copy to City Solicitor, City of Newton, City Hall, 1000 Commonwealth Avenue, Newton, Centre 02459 (or such other address as Grantee may designate by written notice to Grantor from time to time).

If Grantee shall dispute the facts alleged in the First Reversion Notice, it may, within the ninety (90) day period following the date of such notice respond with a written notice (the "Objection Notice") (a) explaining why the facts recited in the First Reversion Notice are not accurate or do not justify reversion in accordance with this Deed or, in the alternative, asserting that either (b) the improper use complained of has been discontinued, or (c) the Premises is then being actively used for the purposes specified in this Deed and therefore the cessation of use allegation no longer applies to the Premises, whichever is applicable.

Such Objection Notice shall be served in the same manner as the First Reversion Notice may be served but shall also be addressed to the officer of the Commonwealth who issued the First Reversion Notice (or his or her successor, if such officer is no longer incumbent) if different from the notice requirements above.

If an Objection Notice is served upon the Commonwealth within said 90 day period, the Commonwealth may either (x) accept such Objection Notice or (y) reject such Objection Notice and serve a Second Reversion Notice upon the Grantee in the same manner as the First Reversion Notice may be served.

If an Objection Notice is not filed with respect to the Premises within the 90 day period specified above, or if an Objection Notice is filed on a timely basis, but rejected, and 60 days have elapsed since service of the Second Reversion Notice, then the Commonwealth may effect the reversion by filing an affidavit with the Middlesex South Registry of Deeds. Such affidavit shall:

- (a) refer to this Deed;
- (b) declare that a reversion has been declared by the Commonwealth pursuant to the provisions hereof;
- (c) stipulate compliance with the First Reversion Notice provisions of this Deed and state whether or not an Objection Notice was timely filed and, if so, stipulate compliance with the Second Reversion Notice provisions of this Deed; and
- (d) declare that title to the Premises conveyed hereunder shall be forfeited for breach of condition and revert to the Grantor.

A certificate of entry pursuant to Massachusetts General Laws Chapter 184, Section 19 (or any superseding or successor statute) shall also be filed with the affidavit.

Upon recording of the affidavit and the certificate of entry in conformity with the provisions of this Deed, all of Grantee's right, title and interest granted hereby in the Premises shall be forfeited for breach of condition and thereupon revert to the Grantor.

Grantee shall have the right, within the six (6) months following any such reversion, to remove any equipment and/or improvements installed or built on the Premises, provided that such removal shall involve a minimum of interference with the Grantor's use thereof and that Grantee shall restore any of the land disturbed by such removal activities as nearly as practical to its pre-removal condition.


The failure of the Grantor to pursue its rights to forfeit Grantee's title on any state of facts shall not prevent the Grantor from subsequently seeking a forfeiture of title and reversion on other facts. If the Grantor's right of reversion shall be found to be subject to the limitation imposed by Massachusetts General Laws Chapter 184A, Section 7, the restrictions on use in this Deed shall nevertheless continue to be enforceable in perpetuity pursuant to General Laws Chapter 184, Sections 23 and 26. The Grantor shall give written notice to the Grantee of the unauthorized use. The Grantee shall, upon receipt of the notice, have 30 days to respond and a reasonable time to establish an authorized use of the Premises. If an authorized use of the Premises is not thereafter established, the title to the premises, upon the recording of a notice thereof by the Grantor in the Middlesex South Registry of Deeds, shall revert to the Commonwealth and any further disposition of the Premises shall be subject to Article XCVII of the amendments to the Massachusetts Constitution and Chapter 7C of the Massachusetts General Laws.

For the Commonwealth's title see Taking ID No 070 recorded with the Middlesex South Registry of Deeds in Book 2878, Page 461.

[Signatures commence on following page – remainder of page intentionally blank]

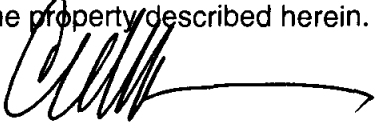
IN WITNESS WHEREOF, the Commonwealth of Massachusetts has executed this Release Deed as a sealed instrument this 25th day June, 2015.

COMMONWEALTH OF MASSACHUSETTS acting by and through the Commissioner of its Division of Capital Asset Management and Maintenance

By: 

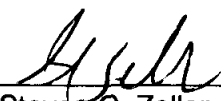
Carol W. Gladstone, Commissioner

The undersigned certifies under penalties of perjury that I have fully complied with Sections 34 and 36 of Chapter 7C of the Massachusetts General Laws in connection with the property described herein.

By: 

Carol W. Gladstone, Commissioner
Division of Capital Asset Management and Maintenance

Approved as to Form

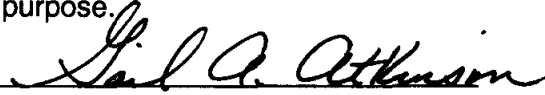
By: 

Steven C. Zeller, Esq., Deputy General Counsel
Division of Capital Asset Management and Maintenance

THE COMMONWEALTH OF MASSACHUSETTS

Suffolk, ss.

On this 25th day of June, 2015, before me, the undersigned notary public, personally appeared Carol W. Gladstone, proved to me through satisfactory evidence of identification, which were personally known to me, to be the person whose name is signed on the preceding document, and acknowledged to me that she signed it voluntarily, in her capacity as Commissioner of the Division of Capital Asset Management and Maintenance, for its stated purpose.


Notary Public

My Commission Expires Aug 31, 2018

EXHIBIT A**Legal Description**

Beginning at the point at which the northwesterly line of Manet Road meets the northeasterly line of Ward Street, the said point being at the southwesterly end of the arc of a circle forty-one and eighty-four one-hundredths (41.84) feet in length and having a radius of twenty-eight (28) feet, forming the southwesterly extremity of said northwesterly line, and from said point of beginning running north $71^{\circ} 23' 30''$ west by the northeasterly line of said Ward Street four hundred and two and seventy-one one-hundredths (402.71) feet;

- then northwesterly forty-six and thirteen one hundredths (46.13) feet by the arc of a circle having a radius of twenty-eight (28) feet and forming the southwesterly extremity of the southeasterly side of a private street adjoining the Premises on the west and north;
- then northerly two hundred ninety-three and forty-three one-hundredths (293.43) feet by a line curving to the left and having a radius of six hundred seventy-seven and ninety-six and one-hundredths (677.96) feet;
- then northeasterly forty-four and forty-four one-hundredths (44.44) feet by a line curving to the right and having a radius of forty (40) feet;
- then easterly two hundred eighty-seven and eighty-seven one-hundredths (287.87) feet by a line curving to the right and having a radius of three hundred fifty (350) feet;
- then south 71° east two hundred fifty-one and thirty-two one-hundredths (251.32) feet;
- then southeasterly twenty-four and sixty-one one-hundredths (24.61) feet by a line curving to the right, having a radius of fifteen (15) feet, the last six courses being by the line of a private street upon the westerly and northerly sides of the Premises;
- then running south 23° west by the northwesterly line of said Manet Road four hundred twenty-seven and forty-six one-hundredths (427.46) feet to the northeasterly end of the arc of a circle first herein mentioned, near the junction of Manet Road with Ward Street;
- then southwesterly by said arc forty-one and eighty-four one-hundredths (41.84) feet to the point of beginning.

Said parcel containing 5.09 acres and shown on a plan inscribed "Commonwealth of Massachusetts, Metropolitan Water Board, Plan of Waban Hill Reservoir lot, NEWTON, Mass." dated October 3, 1900, and recorded with the Middlesex South District Registry of Deeds, Book of Plans 126, Plan 36.