

To : Eileen McGettigan
Law Department, City of Newton

Martha Horn
Planning Department, City of Newton

Jennifer Goldson ✓
Planning Department, City of Newton

Copy : Lucy Caldwell-Stair
Newton Conservators, Inc.

Eric Reenstierna
Newton Conservators, Inc.

From : Alex Wilmerding

Subject : Boundary Adjustment to Internal Lot Line Between Lot A and
Lot B at 180 Elgin Street

Date : May 13, 2003

Pages : 5

Please find attached a copy of three sketches:

1. a sketch titled "Wilmerding Bargain Sale – Exhibit B (Amended)" which is the Exhibit to the Option Agreement between myself and the Newton Conservators as amended and provided to Jennifer Goldson on February 24, 2003; this sketch details the way in which I have proposed adjusting the internal lot line between Lot A and Lot B;
2. a sketch titled "Wilmerding Conservation Restriction – Exhibit B, Page 1" which is an exhibit to the Conservation Restriction between myself and the City of Newton which details Lot B as it is currently configured;
3. a draft sketch titled "Sketch of Proposed Lots for Property of Alex Wilmerding – Newton, MA" created by Welch Associates, Land Surveyors. This sketch outlines a proposed approach to the boundary adjustment to the internal lot line between Lot A and Lot B at 180 Elgin Street.

I write to request your consideration and preliminary feedback on this third attachment as prepared by Welch Associates. I request feedback specifically with regard to the issue of apportioning 1000 square feet of land from Lot B to Lot A as is stipulated as my right under the Conservation Restriction on Lot B between myself and the City of Newton and as contemplated under the Option Agreement between myself and the Newton Conservators. With your feedback, I will be able to have a final sketch prepared and

provided to you for the purposes of creating an Exhibit to the proposed Revised Draft Conservation Restriction and proposed Draft Purchase Agreement with Option.

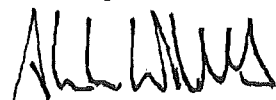
Please refer to the draft sketch created by Welch Associates and cross reference the sketch titled "Wilmerding Bargain Sale - Exhibit B (Amended)"; note that Welch Associates have demarked three areas of land on Lot B which reflect three parcels, one 25 square feet, one 614 square feet and one 975 square feet. Please cross reference the document titled "Wilmerding Bargain Sale - Exhibit B (Amended)" and note that the 25 square foot parcel on the sketch prepared by Welch Associates is entirely consistent with the boundary adjustment proposed in the bottom left corner of the sketch titled "Wilmerding Bargain Sale - Exhibit B (Amended)." Note also that the general shape of the two other parcels (one of 614 square feet and one of 975 square feet) in the sketch prepared by Welch Associates when taken together mirrors approximately the shape of the angled area at the top right hand corner of the sketch titled "Wilmerding Bargain Sale - Exhibit B (Amended)."

The issue which I raise for your consideration is that because I am only allowed under the Conservation Restriction to reappportion 1000 square feet from Lot B to Lot A, I am only permitted to reappportion two of the three parcels sketched by Welch, the 975 square foot parcel and the 25 square foot parcel. My intention all along has been to add enough land from Lot B to Lot A so as to fully incorporate a wall and some lawn which is now a part of Lot B as a part of Lot A. The actual survey of Lot A and Lot B as performed by Welch Associates places the existing internal lot line between Lot A and Lot B in a location which suggests I would need to be able to allocate approximately 614 additional feet of land so as to accomplish this.

Under the assumption that the two 975 square foot and 25 square foot parcels are removed from Lot B (1,000 square feet in total), I write to ask whether it would be possible to incorporate a "Wall and Lawn Easement" as part of the Revised Draft Conservation Restriction on this third 614 square feet of land as demarked by Welch? If this is possible, then the final draft which Welch Associates would provide for Exhibit and boundary adjustment purposes would show the 25 square foot and 975 square foot parcels as being removed from Lot B but the 614 square foot parcel as continuing to be a part of Lot B but demarked as a "Wall and Lawn Easement" which presumably could be granted to the title holder of Lot A. I would simply ask to be able to maintain that area as lawn and to be able to maintain the wall which exists there. It is rumored that the wall was created under design by Olmstead, however I have no evidence to confirm this other than hearsay and the advice of the realtor from Hammond who sold us the house. .

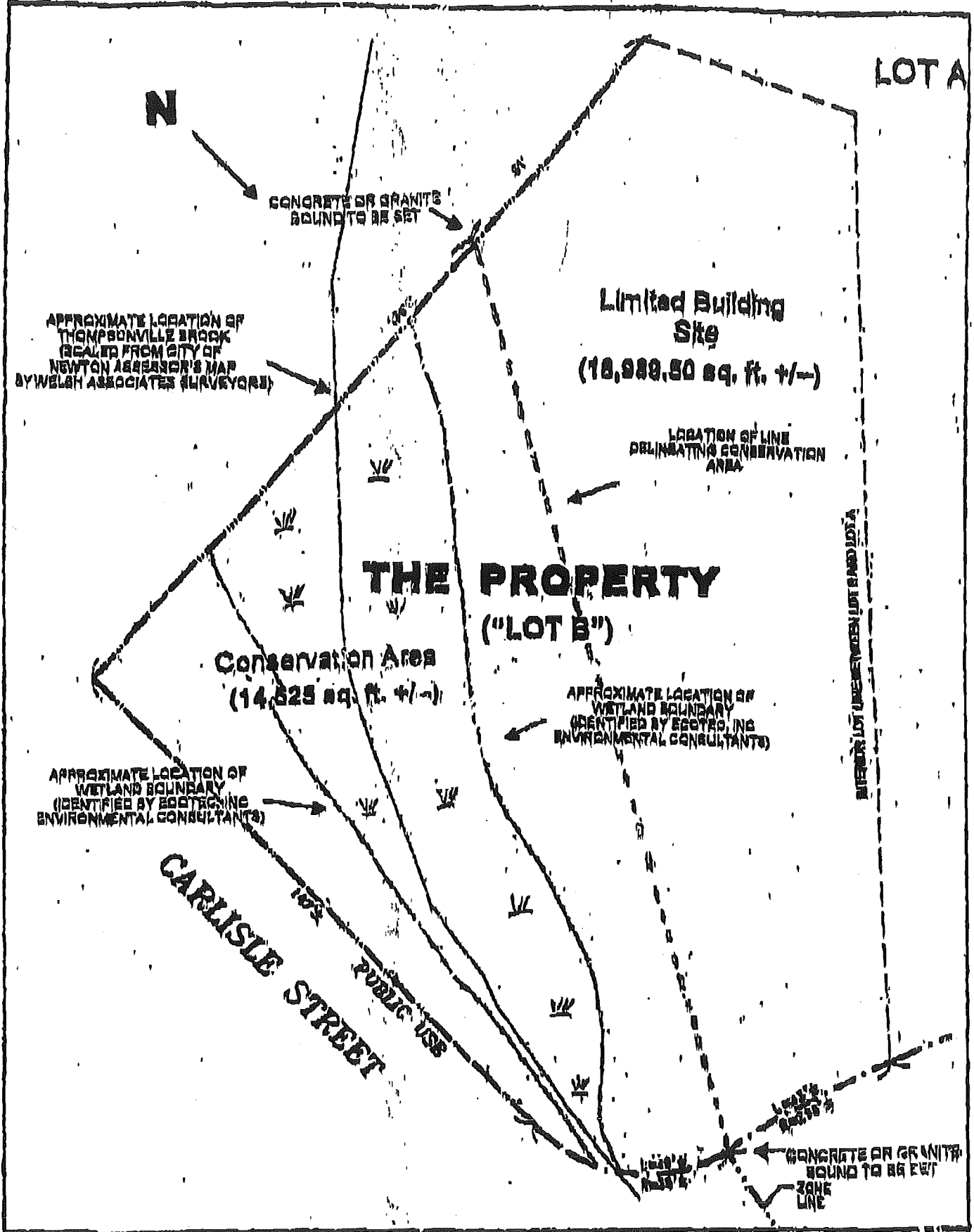
Thank you in advance for your consideration to this. I would be grateful for your prompt feedback so that I can get the surveyor to provide a final set of drawings.

Sincerely,



Alexander Wilmerding

Wilmerding Conservation Restriction - Exhibit B, Page 1



Wilmerding Bargain Sale - Exhibit B (Amended)

