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AMESBURY CITY CLERK

**CITY OF AMESBURY
IN THE YEAR TWO THOUSAND NINETEEN**

SPONSORED BY:


C. Kenneth Gray, Mayor

BILL No. 2019-009

An Order of the Amesbury City Council to Authorize the Mayor to Approve the Acceptance by the City of a Parcel of Open Space and an Access Easement at 13 Horton Street

Summary: An open space parcel has been created in connection with the creation of a two lot subdivision at 13 Horton Street. The Planning Board decision requires that the open space, and an access easement thereto, be conveyed to the City, and that the parcel be restricted for conservation purposes in perpetuity. The developer will convey the open space parcel and an access easement to the City, pursuant to G.L. c. 40, §8C, which requires approval of the acceptance by the City Council

Be it Ordered by the City Council of the City of Amesbury assembled, and by the authority of the same as follows:

The City Council of the City of Amesbury hereby authorizes the Mayor to approve the acceptance by the City of an open space parcel and access easement from John Cannatella and George Russo at 13 Horton Street, all as shown on a plan entitled "Definitive Subdivision Plan 13 Horton Street Amesbury, MA," dated January 31, 2017, recorded with the Essex Registry of Deeds in Plan Book 464, Plan 74, said open space parcel to be restricted to conservation purposes in perpetuity.

MASSACHUSETTS QUITCLAIM DEED

We, **John Cannatella and George Russo**, both of Salem, Rockingham County, New Hampshire,

in consideration of One Dollar (\$1.00) and other good and valuable consideration paid,

hereby grant and convey to the **City of Amesbury**, a Massachusetts municipal corporation, having an address of Town Hall, 62 Friend Street, Amesbury, Essex County, Massachusetts 01913, for the purpose of preserving common open space,

with **quitclaim covenants**

Parcel One

A certain parcel of land situated on the westerly side of Horton Street, Amesbury, Essex County, Massachusetts, being shown as "Open Space" on a plan prepared by G.A. Consultants, Inc., entitled "Definitive Subdivision Plan, 13 Horton Street, Amesbury, MA, Applicant: John Canatella, Owner of Record: Steven G. Reed and Kerry A. Fahey, Date: January 31, 2017, Scale: As Noted", said plan being recorded in the Essex South District Registry of Deeds in Plan Book 464, Plan 74, and said parcel being more particularly bounded and described as follows:

Beginning at an iron rod found on the westerly side of Horton Street and at land now or formerly of Brian M. Kennedy and Erica L. Abbey; thence running

SOUTH 43° 57' 20" west along land now or formerly of Kennedy and Abbey 100.00 feet to an iron rod found; thence turning and running

SOUTH 46° 02' 40" east along land now or formerly of Kennedy and Abbey and land now or formerly of David L. and Heather A. Gale 142.70 feet to an iron rod found at land now or formerly of the Amesbury Housing Authority; thence turning and running

SOUTH 63° 41' 04" west along land now or formerly of the Amesbury Housing Authority 165.06 feet to an iron rod found at other land of the Amesbury Housing Authority; thence turning and running

NORTH 33° 27' 54" west along said land now or formerly of the Amesbury Housing Authority 30.77 feet to a drill hole in a stone bound found; thence running

NORTH 33° 42' 53" west along said land now or formerly of the Amesbury Housing Authority to the southwesterly corner of Lot 1 as shown on said plan; thence turning and running

NORTHEASTERLY along said Lot 1 to a point; thence turning and running

NORTHWESTERLY along said Lot 1 to a point; thence turning and running

NORTH 43° 55' 05" east along Lot 1 53.23 feet to a point; thence turning and running

NORTH 46° 02' 40" west along Lot 1 66.79 feet to a point at the proposed right of way as shown on said plan; thence turning and running

NORTH 43° 57' 20" east along the proposed right of way 154.00 feet to a point on the westerly side of Horton Street; thence turning and running

SOUTH 46° 02' 40" east along the westerly side of Horton Street 49.57 feet to the point and place of beginning.

The above described Open Space parcel shall be left in its natural, vegetative state without alteration, including but not limited to, a prohibition on tree removal, land clearing and site grading except for forestry management purposes, pedestrian access, stormwater management maintenance and for permitted agricultural or passive recreational uses.

The Grantor reserves the right and easement, to enter onto the Open Space parcel after the delivery of the deed to enable the Grantor, its employees, contractors and others, to complete any work which may be necessary to comply with the terms of the Cluster Residential Special Permit and the Common Access Driveway Special Permit issued by the Amesbury Planning Board pursuant to its decision dated August 28, 2017 (the "Decision") which decision is recorded in the Essex South District Registry of Deeds in Book 36426, Page 178. The rights retained herein shall terminate once (i) the Grantor has completed all of the work required by the Decision issued by the Amesbury Planning Board referenced herein and (ii) the Grantor has received a Release of any and all Performance Bonds with the Amesbury Planning Board.

Parcel Two (Access Easement)

A permanent access easement over the proposed Common Access Driveway to enable emergency vehicles and other City owned vehicles to access the lots and the Open Space parcel described above from Horton Street and to enable the general public to access the Open Space Parcel. The proposed Common Access Driveway is bounded and described as follows:

A certain parcel of land being shown as the proposed right of way on a plan prepared by G.A. Consultants, Inc., entitled "Definitive Subdivision Plan, 13 Horton Street, Amesbury, MA, Applicant: John Cannatella, Owner of Record: Steven G. Reed and Kerry A. Fahey, Date: January 31, 2017, Scale: As Noted", said plan being recorded in the Essex South District Registry of Deeds in Plan Book 464, Plan 74, and said parcel being more particularly bounded and described as follows:

Beginning at a point on the westerly side of Horton Street at the open space; thence running

- SOUTH 43° 57' 20" west along said open space 154.00 feet to a point at Lot 1 as shown on said plan; thence turning and running
- NORTH 46° 02' 40" west along Lot 1 50.94 feet to a point at Lot 2 as shown on said plan; thence turning and running
- NORTH 43° 41' 45" east along Lot 2 14.00 feet to a point; thence turning and running
- NORTH 46° 02' 40" west along Lot 2 12.45 feet to a point; thence turning and running
- NORTH 43° 57' 20" east along Lot 2 35.00 feet to a point at the common open space parcel; thence turning and running
- SOUTH 46° 02' 40" east along the common open space parcel 28.45 feet to a point; thence turning and running
- NORTH 43° 57' 20" east along the common open space parcel 105.00 feet to the westerly side of Horton Street; thence turning and running
- SOUTH 46° 02' 40" east along the westerly side of Horton Street 40.00 feet to the point and place of beginning.

It is hereby understood that by accepting and recording this easement over the Common Access Driveway, the City of Amesbury shall not be responsible for services including, but not limited to, maintenance of the Common Access Driveway or the infrastructure contained therein, snow plowing and removal, and trash or recycling pickup. It is further understood that the Common Access Driveway shall never be eligible for acceptance as a public way but is intended to remain a private road, the responsibility for which shall remain with the 13 Horton Street Homeowners Trust.

The above described parcels are a portion of the premises acquired by deed of Steven G. Reed, et al, dated May 19, 2017 and recorded in the Essex South District Registry of Deeds in Book 35880, Page 384.

Executed as a sealed instrument as of the ____ day of _____, 2019.

John Cannatella

George Russo

COMMONWEALTH OF MASSACHUSETTS

ESSEX, SS.

On this ____ day of _____, 2019, before me, the undersigned notary public, personally appeared John Cannatella and George Russo, proved to me through satisfactory evidence of identification, which were driver's licenses, to be the persons whose names are signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose.

Notary Public:
My commission expires:

ACCEPTANCE

On this ____ day of _____, 2019, the City of Amesbury, acting by and through its Mayor, pursuant to City Council Order _____, a certified copy of which is attached hereto, accepts the foregoing deed from John Cannatella and George Russo, to property located at Horton Street, Amesbury, pursuant to the provisions of G.L. c. 40, §8C.

Executed this ____ day of _____, 2019.

CITY OF AMESBURY,
By Its Mayor

By: _____
C. Kenneth Gray, Mayor

COMMONWEALTH OF MASSACHUSETTS

ESSEX, SS.

On this ____ day of _____, 2019, before me, the undersigned notary public, personally appeared C. Kenneth Gray, Mayor of the City of Amesbury, proved to me through satisfactory evidence of identification, which was a driver's license, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

Notary Public:
My commission expires: