



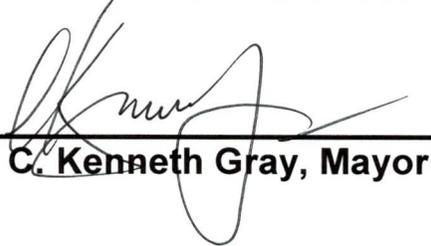
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AMESBURY CITY CLERK

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

SPONSORED BY:


C. Kenneth Gray, Mayor

BILL No. 2019-053

An Order to Authorize the Mayor to Approve the Acceptance by the City of a Portion of Land and an Access Easement at Amesbury Street.

Summary: This Order will authorize the Mayor to accept a portion of land and an easement located at Amesbury Street.

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 a parcel and access easement from Kimberly Realty Trust at Amesbury Street, all as shown on a plan entitled "Sheet Title: Site Plan; Project Title: Proposed Dwelling, 19 Amesbury Street, Map 42, Lot 11, Amesbury, MA; Date: 9/18/08, Revised: 5-27-09", said plan being recorded with the Essex Registry of Deeds in Plan Book 422, Plan 34.

Healey,
Deshaies
Gagliardi &
Woelfel, PC

John P. Healey (1936-2007)
*Robert J. Deshaies
Paul J. Gagliardi
*John R. Woelfel
*Harold Beede
Althea B. Volper
*ADMITTED IN MA & NH

ATTORNEYS

24 Market Street • Amesbury, Massachusetts 01913 • (978) 388-1787 • Fax: (978) 388-9727

May 6, 2019

Evan Kenney, Chief of Staff
62 Friend Street
Amesbury, MA 01913

Re: 19 Amesbury Street, Amesbury, MA

Dear Evan:

In accordance with our discussion, enclosed herewith please find the draft deed transferring Lot 2 to the City of Amesbury as required by the Planning Board's Decision approving the Definitive Subdivision for Brad Kutcher at 19 Amesbury Street, Amesbury, MA, as well as the Easement Deed which was also required by that Decision. Both of these need to be accepted by the City of Amesbury. Please note that the Easement Deed into the Town of Amesbury was previously recorded in 2010 without acceptance by the Town. I have also enclosed a copy of the recorded Easement Deed which was recorded in the Essex South District Registry of Deeds in Book 29707, Page 184. I am not sure, and will leave it up to you, whether we should just have the City Council accept the Easement Deed that has already been recorded or a new Easement Deed into the City. Please advise.

Please contact me with any questions or concerns. Thank you.

Sincerely,



Paul J. Gagliardi

Enclosures

kls;F:\PJG\8003_19-0155PlanningBoardLetter.wpd

EASEMENT DEED

I, Bradley M. Kutcher, Trustee of Kimberly Realty Trust under a Declaration of Trust dated June 5, 1997, and recorded with the Essex South District Registry of Deeds in Book 14151, Page 519, of Amesbury, Essex County, Massachusetts, for consideration paid, and in full consideration of less than One Hundred Dollars and No Cents (\$100.00), grant to the City of Amesbury, a municipal corporation duly organized under the laws of the Commonwealth of Massachusetts and having an usual place of business at 62 Friend Street, Amesbury, Essex County, Massachusetts, with quitclaim covenants, the following rights and easements:

1. The right to travel, with vehicles, on foot or otherwise, over Amesbury Street as shown on a plan prepared by Cammett Engineering entitled "Sheet Title: Site Plan; Project Title: Proposed Dwelling, 19 Amesbury Street, Map 42, Lot 11, Amesbury, Ma; Owner and Applicant: Kimberly Realty Trust, 11 Macy Street, Amesbury, Ma; Date: 9/18/08, Revised: 5-27-09", said plan being recorded in the Essex South District Registry of Deeds in Plan Book 422, Plan 34 (the "Plan") for the purpose of ingress and egress to and from Rondeau Street. The purpose of this easement is to enable emergency vehicles, snow plows, fire trucks, police cars, and other similar municipal vehicles to travel over Amesbury Street to the same extent as if said street was a public way.

2. The right and easement to push and store snow onto that portion of Parcel 1, as shown on the Plan, which is located directly across from Rondeau Street for the purpose of and in connection with the clearing of Rondeau Street and Amesbury Street of snow.
3. Nothing contained herein shall be deemed to obligate the City of Amesbury to provide construction, reconstruction, or maintenance of the roadway or to provide trash collection and pickup, or police patrols along the proposed roadway. At no time shall the roadway become a liability of the City of Amesbury

Executed as a sealed instrument this day of , 2019.

Kimberly Realty Trust

By: _____
Bradley M. Kutcher, Trustee

COMMONWEALTH OF MASSACHUSETTS

ESSEX, SS.

On this day of , 2019, before me, the undersigned notary public, personally appeared Bradley M. Kutcher, Trustee, and 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: Paul J. Gagliardi
My commission expires: 12/26/19

MASSACHUSETTS QUITCLAIM DEED SHORT FORM

PROPERTY ADDRESS: Lot 2, 19 Amesbury Street, Amesbury, MA

Bradley M. Kutcher, Trustee of Kimberly Realty Trust under a Declaration of Trust dated June 5, 1997 and recorded with Essex South District Registry of Deeds in Book 14151, Page 519, of Amesbury, Essex County, Massachusetts,

for consideration paid, and in full consideration of less than One Hundred (\$100.00) Dollars,

grant to the City of Amesbury, a municipal corporation duly organized under the laws of the Commonwealth of Massachusetts and having an usual place of business at 62 Friend Street, Amesbury, Essex County, Massachusetts with **quitclaim covenants**

the land in Amesbury, Essex County, Massachusetts, being bounded and described as follows:

[Description and encumbrances, if any]

A certain parcel of land situated on Amesbury Street in Amesbury, Essex County, Massachusetts being shown as Parcel 2 on a plan prepared by Cammett Engineering entitled "Proposed Lots, Project Title: Kutcher, 19 Amesbury Street, Map 42, Lot 11, Amesbury, Ma, Owner & Applicant: Kimberly Realty Trust, 11 Macy Street, Amesbury, Ma, Date: 10-28-09" said plan being recorded in Essex South District Registry of Deeds in Plan Book 422, Plan 34 and said parcel being more particularly bounded and described as follows:

Beginning at a point on the Northerly side of Amesbury Street at Parcel 1 as shown on said plan; thence turning and running

NORTH 33° 48' 45" East along Parcel 1, 101.19 feet to a point at land now or formerly of Mellon Nominee Trust; thence turning and running

SOUTH 65° 00' 00" East along land now or formerly of Mellon Nominee Trust 216.45 feet to a point at other land of Mellon Nominee Trust; thence turning and running

SOUTH 36° 45' 00" West along land now or formerly of Mellon Nominee Trust 102.14 feet to a point on the Northerly side of Amesbury Street; thence turning and running

NORTH 65° 00' 00" West along the Northerly side of Amesbury Street 211.10 feet to the point and place of beginning.

Parcel 2 contains 21,380 square feet, more or less, according to said plan.

Being a portion of the premises conveyed to the grantor by deed of Kenneth W. Cole dated July 24, 1998 and recorded in the Essex South District Registry of Deeds in Book 14976, Page 321.

Witness my hand and seal this day of , 2019.

Kimberly Realty Trust

By _____
Bradley M. Kutcher, Trustee

COMMONWEALTH OF MASSACHUSETTS

ESSEX, SS.

On this day of , 2019, before me, the undersigned notary public, personally appeared Bradley M. Kutcher, Trustee as aforesaid, 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: Paul J. Gagliardi
My commission expires: 12/26/19

(*Individual - Joint Tenants - Tenants in Common.)

CHAPTER 183 SEC. 6 AS AMENDED BY CHAPTER 497 OF 1969

Every deed presented for record shall contain or have endorsed upon it the full name, residence and post office address of the grantee and a recital of the amount of the full consideration thereof in dollars or the nature of the other consideration therefor, if not delivered for a specific monetary sum. The full consideration shall mean the total price for the conveyance without deduction for any liens or encumbrances assumed by the grantee or remaining thereon. All such endorsements and recitals shall be recorded as part of the deed. Failure to comply with this section shall not affect the validity of any deed. No register of deeds shall accept a deed for recording unless it is in compliance with the requirements of this section. san,F:\PJG\1_04-0161DeedLot2.wpd

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EASEMENT DEED

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1. The right to travel, with vehicles, on foot or otherwise, over Amesbury Street as shown on a plan prepared by Cammett Engineering entitled "Sheet Title: Site Plan; Project Title: Proposed Dwelling, 19 Amesbury Street, Map 42, Lot 11, Amesbury, Ma; Owner and Applicant: Kimberly Realty Trust, 11 Macy Street, Amesbury, Ma; Date: 9/18/08, Revised: 5-27-09", said plan being recorded in the Essex South District Registry of Deeds in Plan Book 422, Plan 34 (the "Plan") for the purpose of ingress and egress to and from Rondeau Street. The purpose of this easement is to enable emergency vehicles, snow plows, fire trucks, police cars, and other similar municipal vehicles to travel over

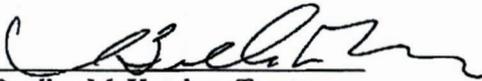
Box 198

Amesbury Street to the same extent as if said street was a public way.

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3. Nothing contained herein shall be deemed to obligate the Town of Amesbury to provide construction, reconstruction, or maintenance of the roadway or to provide trash collection and pickup, or police patrols along the proposed roadway. At no time shall the roadway become a liability of the Town of Amesbury

Executed as a sealed instrument this 6th day of August, 2010.

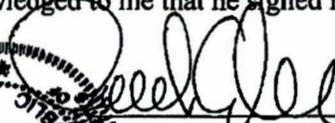
Kimberly Realty Trust

By: 
Bradley M. Kutcher, Trustee

COMMONWEALTH OF MASSACHUSETTS

ESSEX, SS.

On this 6th day of August, 2010, before me, the undersigned notary public, personally appeared Bradley M. Kutcher, Trustee, and 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: Paul J. Gagliardi
commission expires: 1/18/13