



RECEIVED

CITY OF AMESBURY
IN THE YEAR TWO THOUSAND EIGHTEEN

20 FEB -3 PM 1:57

AMESBURY CITY CLERK

SPONSORED BY:

Kassandra Gove

Kassandra Gove, Mayor

BILL No. 2020-011

An Order to authorize the Mayor to acquire certain easement rights over Merrimac Street at Bailey's Pond

Summary: An Order to authorize the Mayor to acquire certain easement rights over Merrimac Street at Bailey's Pond pursuant to decisions issued by the Planning Board and Conservation Commission.

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

That the City Council hereby authorizes the Mayor to acquire the perpetual, non-exclusive right and easement to pass and re-pass to and from Merrimac Street and Bailey's Pond, by foot, by vehicle or otherwise within the land area more particularly described below. The easement hereby granted to the City of Amesbury shall be for the benefit of the general public to enable access to Bailey's Pond.

The land area to which the aforesaid right and easement is granted is shown as "Public Access Easement "A" (Area=5,158+/-S.F.)" on a plan prepared by Meridian Associates entitled "Easement Plan of Land, Amesbury, Massachusetts (Essex County) Prepared for Hatter's Point Marina Parking, LLC, Scale: 1"=20', Date: August 17, 2017", said plan being registered with the Southern Essex Registry District of the Land Court herewith.

There is also hereby granted to the City of Amesbury, for its benefit for the benefit of the general public, the right to use the four (4) parking spaces as shown on the aforementioned plan while accessing Bailey's Pond pursuant to the easement granted hereunder.

Healey,
Deshaies
Gagliardi &
Woelfel, PC

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

ATTORNEYS

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

January 6, 2020

Via Hand Delivery

Kassandra M. Gove, Mayor
City of Amesbury
62 Friend Street
Amesbury, MA 01913

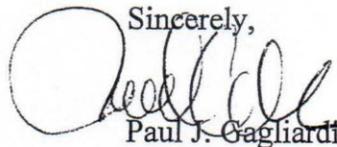
Re: Hatter's Point Marina

Dear Mayor Gove:

I represent Hat Factory Marina, LLC and Hatter's Point Marina Parking, LLC who collectively own and operate the Hatter's Point Marina. As you know, the marina recently built a new office/club house at the site. In order to do this, my client needed approvals from both the Planning Board and the Conservation Commission. One of the conditions of both the Planning Board's site plan approval and the Conservation Commission's Order of Conditions in connection with the new marina building was that the owner grant to the City of Amesbury an access easement through the parking lot to Bailey's Pond as well the right to use four parking spaces in the Marina's parking lot next to Bailey's Pond. I have enclosed herewith the proposed Public Access Easement which I prepared and which I believe Attorney Katharine Klein at KP Law has reviewed and approved in connection with this requirement. To enable this to proceed, an ordinance to accept this Public Access Easement needs to be filed with the City Council for its review and approval. I am requesting that your office file the necessary ordinance so that this can be finalized.

Please feel free to contact me if you need any additional information or clarification. Thank you.

Sincerely,



Paul J. Gagliardi

Enclosure

PJG:djf;6689_15-0035LKG.wpd

cc: Nipun Jane, City Planner
John Lopez, Conservation Agent
John J. McPartland

PUBLIC ACCESS EASEMENT

Hatter's Point Marina Parking, LLC, a limited liability company duly organized and validly existing under the laws of the Commonwealth of Massachusetts and having a principal place of business at 15 Evans Place, Amesbury, Massachusetts 01913 (the "Grantor"),

For consideration paid,

Grants to the City of Amesbury, Massachusetts, a municipal corporation duly organized under the laws of the Commonwealth of Massachusetts and having a principal place of business at 62 Friend Street, Amesbury, Massachusetts 01913 (the "Grantee"),

The perpetual, non-exclusive right and easement to pass and repass to and from Merrimac Street and Bailey's Pond, by foot, by vehicle or otherwise within the land area more particularly described below. The easement hereby granted to the City of Amesbury shall be for the benefit of the general public to enable the general public to access Bailey's Pond.

The land area to which the aforesaid right and easement is granted is shown as "Public Access Easement "A" (Area = 5,158±S.F.)" on a plan prepared by Meridian Associates entitled "Easement Plan of Land, Amesbury, Massachusetts (Essex County) Prepared For Hatter's Point Marina Parking, LLC, Scale: 1" = 20', Date: August 17, 2017" said plan being registered with the Southern Essex Registry District of the Land Court herewith.

There is also hereby granted to the City of Amesbury, for its benefit and for the benefit of the general public, the right to use the four (4) parking spaces as shown on the aforementioned plan while accessing Bailey's Pond pursuant to the easement granted hereunder.

By accepting and recording this deed, the City of Amesbury and members of the general public who exercise the rights and easements granted hereunder each hereby agree to indemnify and save the grantor harmless from and against any loss, damage, or liability, to persons and property, arising out of their exercise of the rights and easements granted hereunder

By accepting and recording this deed, the City of Amesbury further agrees that the rights and obligations hereunder shall inure to the respective heirs, successors and assigns of the parties hereto.

Witness our hands and seals this day of , 2020.

Hatter's Point Marina Parking, LLC

By _____
John J. McPartland, Manager

COMMONWEALTH OF MASSACHUSETTS

ESSEX, SS.

On this day of , 2020, before me, the undersigned notary public, personally appeared John J. McPartland, Manager as aforesaid, 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:
My commission expires:

APPROVAL OF ACCEPTANCE

On this ____ day of _____, 2020, the City of Amesbury, acting by and through its Mayor, pursuant to City Council Order _____, a certified copy of which is attached hereto, approves the foregoing Easement Deed from Hatter's Point Marina Parking, LLC, in connection with property on Merrimac Street in Amesbury

Executed this _____ day of _____, 2020.

CITY OF AMESBURY,
By its Mayor,

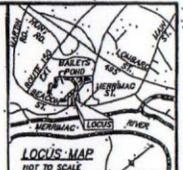
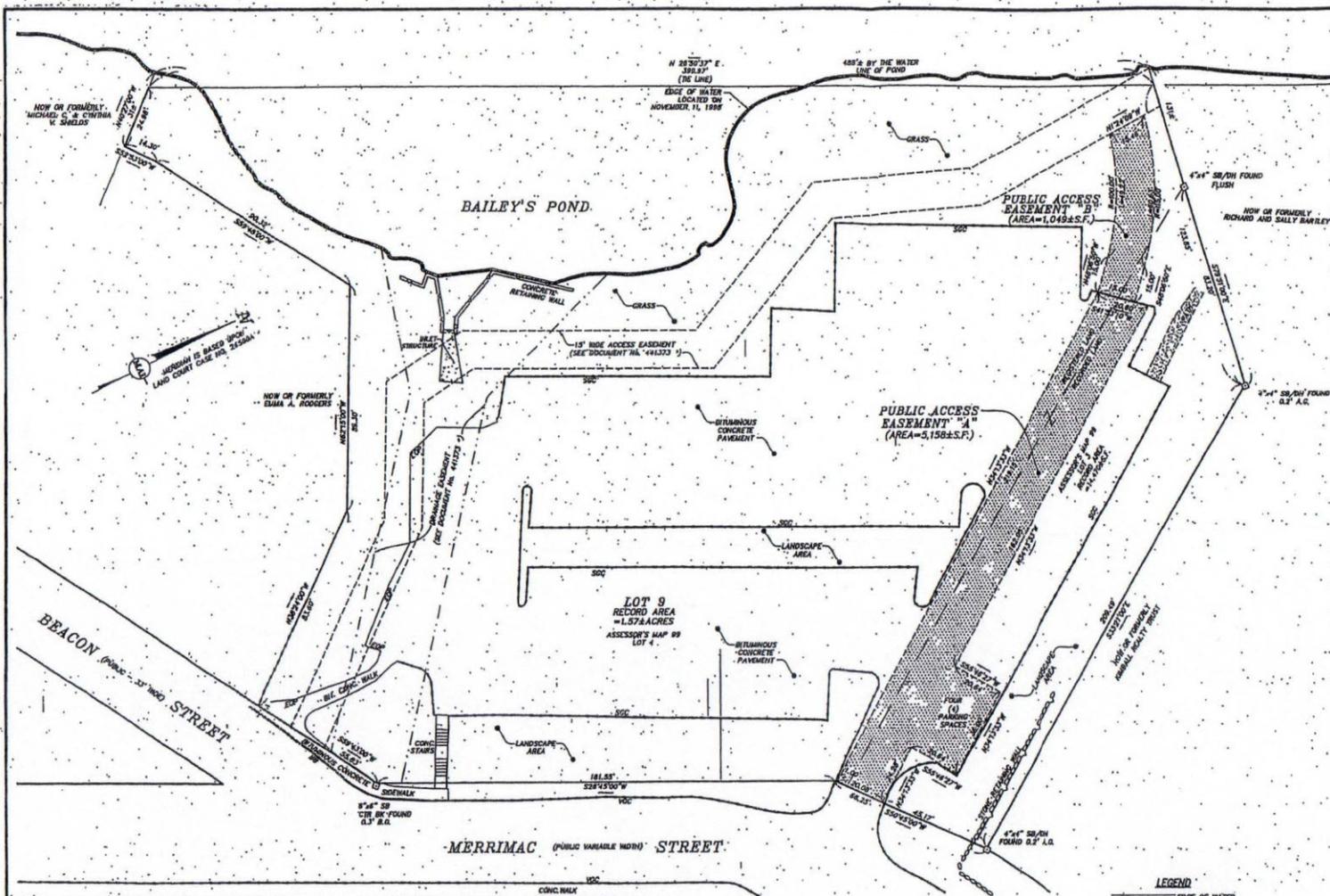
By: _____
Kassandra M. Gove, Mayor

COMMONWEALTH OF MASSACHUSETTS

ESSEX, SS.

On this ____ day of _____, 2020, before me, the undersigned notary public, personally appeared Kassandra M. Gove, 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 she signed it voluntarily for its stated purpose.

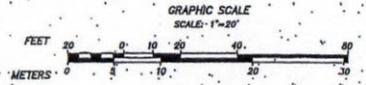
Notary Public:
My commission expires:



RECORD OWNER:
 HATTER'S POINT MARINA PARKING, LLC
 15 CHASE PLACE
 AMESBURY, MA 01813
 DOCUMENT No. 49859

REFERENCES:
 - LAND COURT PLAN No. 25500 *
 - LAND COURT PLAN No. 3630A *
 - DOCUMENT No. 49859 *
 - DOCUMENT No. 441373 *
 *INDICATES DOCUMENTS RECORDED AT THE SOUTH ESSEX REGISTRY OF DEEDS

- NOTES**
1. THE SOLE PURPOSE OF THIS PLAN IS TO CREATE PUBLIC ACCESS EASEMENT "A" (AREA=1,048 S.F.) AND PUBLIC ACCESS EASEMENT "B" (AREA=3,158 S.F.).
 2. THE SITE DETAIL & SURFACE IMPROVEMENTS DEPICTED HEREON WERE OBTAINED FROM A PARTIAL FIELD SURVEY CONDUCTED ON NOVEMBER 10, 11 & 13 1998 AND SEPTEMBER 26, 2014 BY MERIDIAN ASSOCIATES, INC.
 3. THE LOCUS PROPERTY DEPICTED IS LOCATED IN ZONE P.A.R. (PLANNED UNIT DEVELOPMENT).
 4. THE LOCUS PROPERTY IS DEPICTED AS LOTS 3 & 4 ON TOWN OF ANCILLARY ASSESSOR'S MAP #9.
 5. THIS PLAN DOES NOT SHOW ANY UNRECORDED OR UNWRITTEN EASEMENTS WHICH MAY EXIST. HOWEVER, THIS DOES NOT CONSTITUTE A GUARANTEE THAT NO SUCH EASEMENTS EXIST.



- LEGEND**
- EDGE OF WATER
 - RETAINING WALL
 - GRANITE CURB
 - BITUMINOUS BEHM
 - CONCRETE
 - CONCRETE PAVEMENT
 - EASEMENT
 - COMMON OWNERSHIP LINE
 - A.G. ABOVE GROUND
 - B.B. BITUMINOUS BEHM
 - C.C. CONCRETE
 - E.C. EDGE OF PAVEMENT
 - S.G. SLOPED GRANITE CURB
 - V.C. VERTICAL GRANITE CURB

FOR REGISTRY OF DEEDS USE ONLY

I DECLARE, TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, INFORMATION AND BELIEF, THAT THIS PLAN WAS PREPARED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE REGISTRY OF DEEDS.

W. E. Kelly 8/17/17
 FOR MERIDIAN ASSOCIATES, INC. DATE

I DECLARE, TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, INFORMATION AND BELIEF, THAT THE PROPERTY LINES DEPICTED ARE THE LINES DERIVED FROM EXISTING OWNERSHIP, AND THE LINES OF STREETS AND WAYS DEPICTED ARE THOSE OF PUBLIC OR PRIVATE STREETS AND WAYS ALREADY ESTABLISHED, AND THAT NO NEW LINES FOR DIVISION OF EXISTING OWNERSHIPS OR FOR NEW STREETS AND WAYS ARE DEPICTED.

(MASS. GEN. LARS, CHAP. 270, SECT. 91-2)

W. E. Kelly 8/17/17
 FOR MERIDIAN ASSOCIATES, INC. DATE



REVISIONS

NO.	DATE	DESCRIPTION	BY	CHKD

DWG. No. 2251-Public Access Easement
 8/17/17, PG. 01

**THE MARINA AT HATTER'S POINT
 EASEMENT PLAN OF LAND
 AMESBURY, MASSACHUSETTS
 (ESSEX COUNTY)**

PREPARED FOR
 HATTER'S POINT MARINA PARKING, LLC.
 SCALE: 1" = 20' DATE: AUGUST 17, 2017

MERIDIAN ASSOCIATES
 300 COLUMBUS AVENUE, SUITE 2000
 ROSELAND, MASSACHUSETTS 01968
 TEL: (978) 279-5447
 WWW.MERIDIANASSOCIATES.COM

SHEET No. 1 OF 1 PROJECT No. 3261