

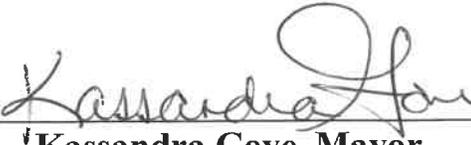
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CITY CLERK

2024 JUL 15 P 4: 19

CITY OF AMESBURY

CITY OF AMESBURY
IN THE YEAR TWO THOUSAND TWENTY-FOUR

SPONSORED BY:

 **BILL No. 2024-097**
Kassandra Gove, Mayor

An Order of the Amesbury City Council to Accept an Easement from Mark E. Wojcicki, Trustee of the Mill Town Condominium Trust for drainage and utilities on property now known as Mill Town Condominiums located at 130 Market Street in the City of Amesbury and to Authorize the Mayor to Execute an Acceptance on Behalf of the City of Amesbury.

Summary: The Site Plan and Special Permit Decision of the Amesbury Planning Board dated May 8, 2023, and recorded with the Essex South District Registry of Deeds at Book 41630, Page 376, required Wojcicki Holdings, LLC to grant to the City an easement for the drainage of surface water and to install, maintain, replace and remove water and sewer lines and related equipment under and across a strip of land running from South Hampton Road to Market Street in said Amesbury, Essex County, Massachusetts being shown on the Site Plan entitled "Planned Unit Development Plan, Assessor's Map 26, Lot 68, 130 Market Street, Amesbury, MA, Owner of record: Mark Wojcicki, Wojcicki Development, Engineer: GA Consultants, Inc, Date: 7.6.2022", with revisions through March 6, 2023 and recorded in the Essex South District Registry of Deeds in Book 41896, Page 178 and further shown as "Public Drainage and Utility Easement" on a plan prepared by GA Consultants, Inc entitled "Utility and Drainage Easement Plan, Assessor's Map 26, Lot 68, 130 Market Street, Amesbury, Massachusetts, Owner and Applicant: Wojcicki Holdings, LLC, 110 Main Street, Amesbury, MA 01913, Date: 10-30-23, Scale: 1"=20'", to be recorded in said Registry and further described in the drainage/utility easement to be recorded in said Registry. The intent of this Order is to obtain the acceptance of the easement by the City Council and to authorize the Mayor to approve and execute the Acceptance of the easement.

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 accepts a Conveyance of the Utility and Drainage Easement on the property at 130 Market Street in Amesbury, Essex County, Massachusetts, as laid out and shown on a plan prepared by GA Consultants,

Inc entitled "Utility and Drainage Easement Plan, Assessor's Map 26, Lot 68, 130 Market Street, Amesbury, Massachusetts, Owner and Applicant: Wojcicki Holdings, LLC, 110 Main Street, Amesbury, MA 01913, Date: 10-30-23, Scale: 1"=20'", to be recorded in the Essex South District Registry of Deeds and pursuant to said easement to be recorded in said Registry and authorizes the Mayor to execute an Acceptance on behalf of the City of Amesbury.

DRAINAGE/UTILITY EASEMENT

Mark E. Wojcicki, Trustee of the Mill Town Condominium Trust created pursuant to a declaration of trust dated July 11, 2024 and recorded in the Essex South District Registry of Deeds in Book , Page with a mailing address of 110 Main Street, Amesbury, Essex County, Massachusetts

for consideration paid and in full consideration of less than One Hundred Dollars (\$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, Massachusetts 01913

with Quitclaim Covenants

The perpetual right and easement upon, above, under and across a strip of land running from South Hampton Road to Market Street in said Amesbury, Essex County, Massachusetts being shown as "Public Drainage and Utility Easement" on a plan prepared by GA Consultants, Inc entitled "Utility and Drainage Easement Plan, Assessor's Map 26, Lot 68, 130 Market Street, Amesbury, Massachusetts, Owner and Applicant: Wojcicki Holdings, LLC, 110 Main Street, Amesbury, MA 01913, Date: 10-30-23, Scale: 1"=20'", said plan being recorded in the Essex South District Registry of Deeds herewith, for the following purposes:

I) To locate, relocate, erect, construct, reconstruct, install, lay, dig up, operate, maintain, patrol, inspect, repair, replace, alter, change the location of, extend or remove one or more structures and pipes for the drainage of surface water and all necessary and proper conduits, conductors, pipes, foundations, fittings and fixtures and other apparatus, equipment and fixtures deemed necessary for the purpose specified herein as the grantee may from time to time desire along, upon, under and across said strip. , and the right to install in said strip temporary line or lines wherever in the judgment of the grantee it is required for the emergency maintenance of service, provided that in each instance, the making of repairs or improvements shall be completed and the temporary line or lines removed as soon as practical and the right to enter said strip of land for access thereto for all of the above purposes.

II) To install, maintain, replace, remove and use water and sewer lines and related equipment, with the necessary manholes or conduits (all of which, water mains, sewer lines and related equipment and conduits shall remain the property of the grantee).

With respect to said rights and easements hereby conveyed, the grantor and the grantee, by its acceptance hereof, for themselves and their respective successors and assigns, hereby agree as follows:

- A. In connection with the installation of either drainage or utilities or otherwise any excavations which are made within the easement area, the party making such excavation shall forthwith restore said area and the surfaces thereof to their prior condition.
- B. Each party shall indemnify and save the other harmless from and against any loss, damage or liability arising out of the exercise of said rights and easements.
- C. Each party shall have the right to relocate any part or parts of said drainage or utility structures provided the entire cost of such relocation including without limitation, the cost of a new survey, is borne by the party exercising such right of relocation and the party exercising such right of relocation indemnifies and holds the other party harmless from and against any loss, damage or liability arising out of such relocation and such relocation does not unreasonably interfere or interrupt existing utility or drainage services.

The easement hereby created is over a portion of the premises described in a deed from F&C Builders, LLC to the grantors dated August 20, 2019 and recorded with the Essex South District Registry of Deeds in Book 37779, Page 211.

By the execution hereof, the undersigned, being first duly sworn, hereby certify under the penalties of perjury that the rights hereby created are not subject to homestead rights of any person

End of Text
Signature Page Follows

Executed as a sealed instrument this _____ day of _____, 2024.

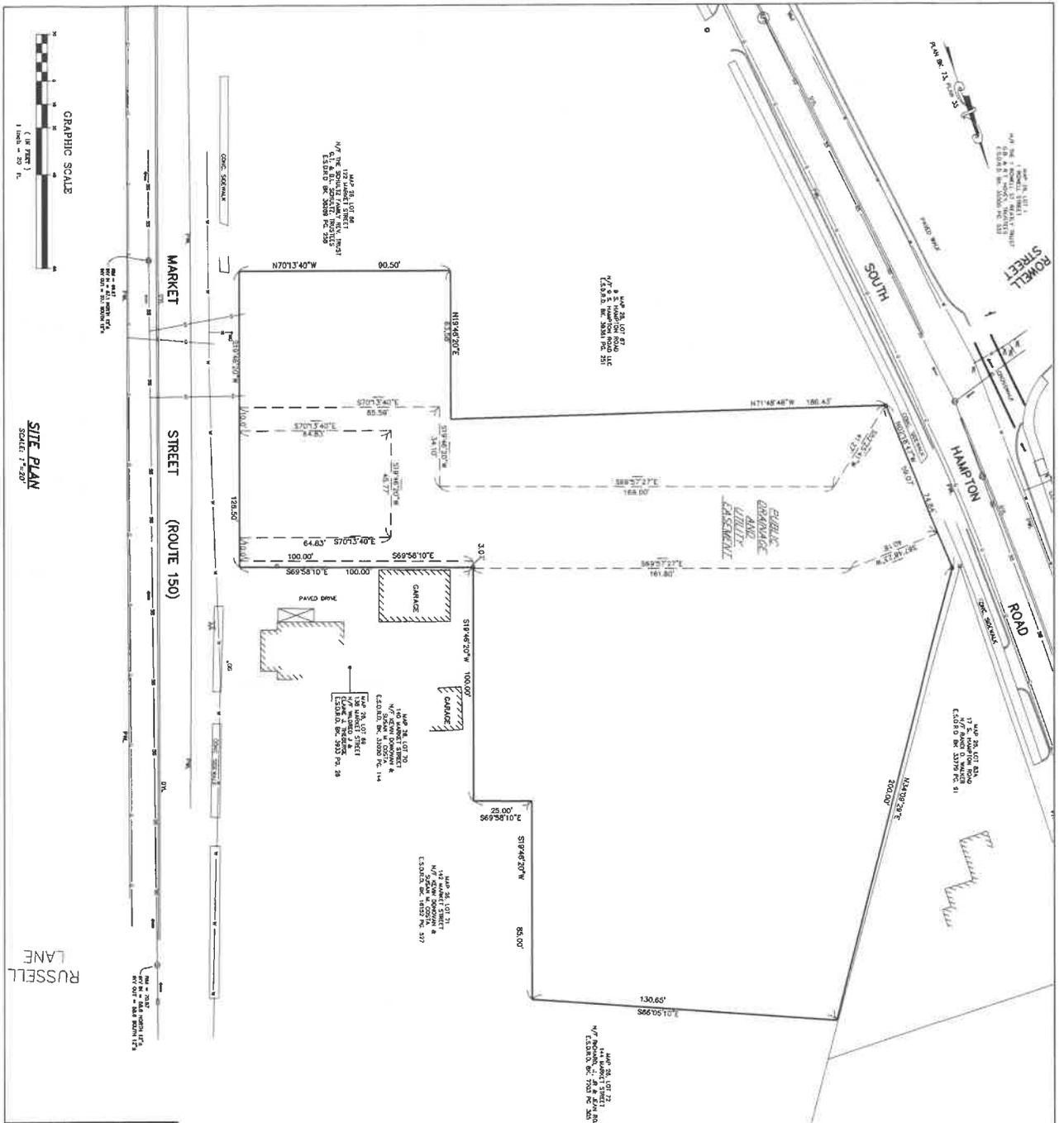
Mark E. Wojcicki, Trustee

COMMONWEALTH OF MASSACHUSETTS

ESSEX COUNTY

On the _____ day of _____, 2024, before me, the undersigned notary public, personally appeared the above-named Mark E. Wojcicki, Trustee as aforesaid, and proved to me through satisfactory evidence of identification, to be the person whose name is signed on this document, and acknowledged to me that he signed it voluntarily for its stated purpose and that the foregoing instrument is his free act and deed.

Notary Public:
My Commission Expires:



LEGEND

- W — WATER MAIN
- WC — WATER GATE
- H — HYDRANT
- G — GAS MAIN
- O — GAS DATE
- GS — GAS SERVICE MAIN
- SS — SEWER MANHOLE
- D — STORM DRAIN
- C — CATCH BASIN
- U — UTILITY POLE
- OW — OVERHEAD WIRE
- CH — CHAIN LINK FENCE
- ST — STOCKPILE FENCE
- DVL — DOUBLE YELLOW LINE
- PVL — PAINTED WHITE LINE
- @WF — WETLAND FLAG
- — — — — EXISTING CONTOUR

FOR REGISTRY USE ONLY
I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMANCE WITH THE RULES AND REGULATIONS OF THE REGISTRARS OF DEEDS

AMESBURY PLANNING BOARD
APPROVED UNDER SUBDIVISION CONTROL LAW

CITY OF AMESBURY
OFFICE OF THE CITY CLERK

THIS IS TO CERTIFY THAT ON _____ I RECEIVED FROM AMESBURY PLANNING BOARD CERTIFICATION IN THIS FORM AND I HAVE RECORDED THE SAME IN THE ESSEX SOUTH REGISTRY OF DEEDS IN BOOK _____ PAGE _____

CLERK _____ DATE _____

