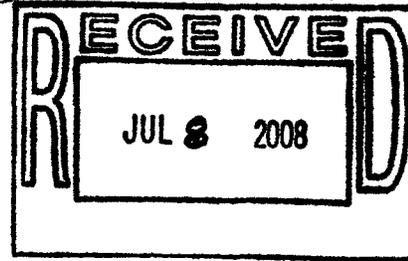


7/14/08 (16) COPY
ANDERSON & KREIGER LLP



DEBORAH HALL ANDREWS
dandrews@andersonkreiger.com
Direct phone: 617-621-6513
Direct fax: 617-621-6613

July 7, 2008

BY OVERNIGHT MAIL

Ms. Christine Joyce
Town Manager's Office
Town of Acton
472 Main Street
Acton, Massachusetts 01720

Re: Harris Street Drainage Easement

Dear Christine:

As we discussed, enclosed please find the following documents to be executed by the Board of Selectmen at their next scheduled meeting:

1. Vote;
2. Grant of Easement for drainage and drainage-related purposes from GPT-Acton, LLC; and
3. Termination of Drainage Easement.

Please note that the Grant of Easement and Termination of Easement will need to be signed by the members of the Board in the presence of a Notary Public.

I have enclosed a copy of Article 44 for your reference. I have also included a self addressed stamped envelope for you to return the fully executed original documents to my attention.

As always, please feel free to call me if you should have any questions.

Very Truly Yours,

A handwritten signature in cursive script that reads "Deborah H. Andrews".

Deborah Hall Andrews
Senior Paralegal

Enclosures



TOWN CLERK
EVA K. TAYLOR

TOWN OF ACTON
472 MAIN STREET
ACTON, MASSACHUSETTS, 01720
TELEPHONE (978) 264-9615
FAX (978) 264-9630
clerk@acton-ma.gov

COPY

EXCERPT OF THE ANNUAL TOWN MEETING HELD
MONDAY, APRIL 2, 2007, 7:00 P.M.
ACTON TOWN HALL, ROOM 204
WITH ADJOURNED SESSIONS HELD APRIL 9 AND APRIL 10, 2007
ACTON-BOXBOROUGH REGIONAL HIGH SCHOOL AUDITORIUM

NUMBER OF REGISTERED VOTERS ATTENDING TOWN MEETING
APRIL 2, 2007 – 14 APRIL 9, 2007 – 386 APRIL 10, 2007 - 418

ARTICLE 44 * ACCEPT DRAINAGE EASEMENT – HARRIS STREET
(Majority vote)

To see if the Town will vote to authorize the Board of Selectmen to acquire by gift and to accept the grant of an easement interest for drainage and drainage-related purposes from GPT-Acton, LLC (or a successor entity), on such terms and conditions as the Selectmen may determine, on Parcel 54 on Town Atlas Map C-5 (said lot is numbered 25-33 Harris Street and is shown on a plan entitled, "Plan of Land in Acton, Massachusetts (Middlesex County) For: Norfolk Ram Group, Scale 1"=50'", dated November 29, 2006, prepared by Stamski and McNary, Inc. that is on file with the Acton Engineering Department and is to be recorded with the Middlesex South District Registry of Deeds); and to abandon and terminate the Town's right, title and interest in an existing drainage easement, on such terms and conditions as the Selectmen may determine, as shown on a plan entitled "Town of Acton, Mass., Plan of Drainage Easement – Harris Street, Scale 1"=20'", dated February 1971, prepared by the Town of Acton Engineering Department and recorded at the Middlesex South District Registry of Deeds as Plan 453 of 1972 in Book 12197, Page 410;

or take any other action relative thereto.

MOTION: Mr. Foster moves that the Town authorize the acquisition of the easements as set forth in the Article.

MOTION CARRIES UNANIMOUSLY

A True Copy. Attest:


TOWN CLERK ACTON, MASS.

**RECORD OF VOTE OF THE ACTON BOARD OF SELECTMEN
JULY 14, 2008**

At a duly called public meeting of the Acton Board of Selectmen on July 14, 2008, the Board voted unanimously to acquire by gift and to accept the grant of an easement for drainage and drainage-related purposes from GPT-Acton, LLC, over Parcel 54 on Town Atlas Map C-5 (said lot is numbered 25-33 Harris Street and is shown on a plan entitled "Sketch Plan B in Acton, Massachusetts (Middlesex County) For: Norfolk Ram Group, Scale: 1"=50'" dated April 28, 2008, prepared by Stamski and McNary, Inc., which plan is on file with the Acton Engineering Department and is to be recorded with the Grant of Easement from GPT-Acton, LLC to the Town of Acton at the Middlesex South Registry of Deeds, to execute the Grant of Easement for such purposes that was delivered to the Board in conjunction with the Board's public meeting for approval, to abandon and terminate the Town's right, title and interest in an existing drainage easement as shown on a plan entitled "Sketch Plan A in Acton, Massachusetts (Middlesex County) For: Norfolk Ram Group, Scale: 1"=50'" dated April 28, 2008, prepared by Stamski and McNary, Inc., which plan is on file with the Acton Engineering Department and is to be recorded with the Termination of Drainage Easement to be recorded at the Middlesex South District Registry of Deeds, to execute the Termination of Drainage Easement for such purposes that was delivered to the Board in conjunction with the Board's public meeting, and further to authorize the Town Manager to take any actions or to execute any documents that are necessary, in the Town Manager's discretion, to complete the acquisition of easement and termination of easement referenced herein.

TOWN OF ACTON
By its Board of Selectmen

Lauren S. Rosenzweig, Chair

Paulina Knibbe, Vice-Chair

Andrew D. Magee, Clerk

Peter Berry, Member

Terra Friedrichs, Member

DATED: July 14, 2008

GRANT OF EASEMENT

KNOW ALL MEN BY THESE PRESENTS that on the 17TH day of JUNE, 2008, **GPT-Acton, LLC**, a Massachusetts limited liability company with a principal place of business at 155 Federal Street, Boston, MA 02110 (hereinafter, "Grantor"),

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

hereby grants to the **Town of Acton**, a municipal corporation with an address of 572 Main Street, Acton, Middlesex County, Massachusetts (hereinafter, "Grantee"),

with quitclaim covenants,

the perpetual right and easement in gross over, under and upon that certain strip of land in Acton, Middlesex County, Massachusetts, being shown as "New Drainage Easement Area" (the "Easement Area") on a plan entitled "Sketch Plan B in Acton, Massachusetts (Middlesex County) For: Norfolk Ram Group, Scale: 1" = 50'" dated April 28, 2008, prepared by Stamski and McNary, Inc. and attached hereto as Exhibit A (the "Plan") and to which Plan reference may be had for a more particular description of said Easement Area,

for the location, placement, installation, operation, maintenance, repair, removal and replacement of drainage facilities and appurtenances of every type and kind, including but not limited to underground and above-ground pipes, conduits and manholes, for the purpose of surface and subsurface drainage, together with the permanent right of entry upon and passage over the land of the Grantor and said Easement Area with any and all material and equipment necessary from time to time for all purposes stated herein and uses incidental thereto.

The Grantee agrees to exercise the Grantee's rights hereunder without doing unnecessary harm to the Grantor or the land of the Grantor, and the Grantee hereby agrees to properly maintain and keep in good order any drainage facilities installed in the Easement Area. Whenever any surface is disturbed by the Grantee by authority of this instrument, the surface shall be restored to substantially its condition prior to such disturbance, such as a drainage swale, to the extent practicable and to the extent that the surface is not impacted by a drainage facility permitted hereunder.

The Grantor reserves unto itself the right to use and enjoy the said Easement Area in any manner not inconsistent with the rights and easement herein granted. The Grantor agrees not to grant any other easements, leases, deeds or licenses that will interfere with the Easement Area or the Grantee's rights set forth herein without the prior written consent of the Grantee. Any easement, lease, license or deed granted in violation of this provision shall be null and void.

All rights and privileges granted herein, including all benefits and burdens, shall run with the land and shall be binding upon and inure to the benefit of the Grantor and the Grantee and their respective successors and assigns.

For Grantor's title, see Deed from Properties, II, Inc. to GPT-Acton, LLC dated December 30, 1997 and recorded with the Middlesex South District Registry of Deeds in Book 28038, Page 205.

EXECUTED under seal this 17th day of June, 2008.

GPT-Acton, LLC

By: Denise Beinhoffer
Its: Manager and Duly Authorized
Signatory

State of Illinois
~~COMMONWEALTH OF MASSACHUSETTS~~)
)
COUNTY OF COOK)

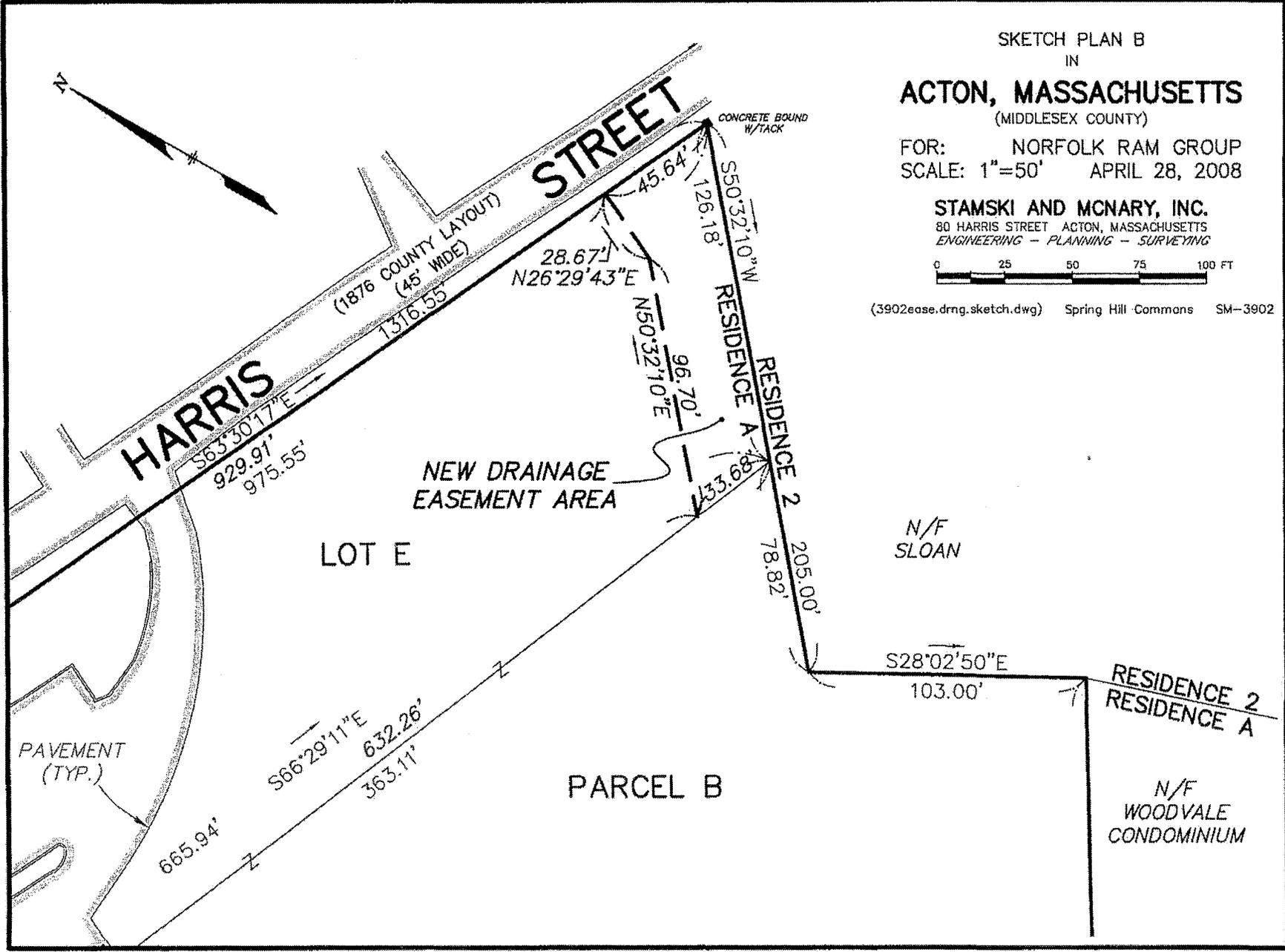
On this 17th day of June, 2008, before me, the undersigned notary public, personally appeared Denise Beinhoffer, proved to me through satisfactory evidence of identification, which was personally known to me, to be the person whose name is signed on the preceding document and acknowledged to me that (he)(she) signed it voluntarily for its stated purpose as Manager and Duly Authorized Signatory for GPT-Acton, LLC, a Massachusetts limited liability company.



Amanda A. Betty
Notary Public
My Commission Expires: 5-17-10

EXHIBIT A

Easement Plan

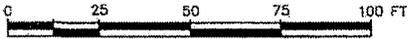


SKETCH PLAN B
IN

ACTON, MASSACHUSETTS
(MIDDLESEX COUNTY)

FOR: NORFOLK RAM GROUP
SCALE: 1"=50' APRIL 28, 2008

STAMSKI AND McNARY, INC.
80 HARRIS STREET ACTON, MASSACHUSETTS
ENGINEERING - PLANNING - SURVEYING



(3902ease.dwg.sketch.dwg) Spring Hill Commons SM-3902

HARRIS STREET

(1876 COUNTY LAYOUT)
(45' WIDE)
1316.55'

45.64'
28.67'
N26°29'43"E

CONCRETE BOUND
W/TACK

126.18'
S50°32'10"W

RESIDENCE A
RESIDENCE B
96.70'
N50°32'10"E
78.82'

NEW DRAINAGE
EASEMENT AREA

LOT E

N/F
SLOAN

PAVEMENT
(TYP.)

665.94'
S66°29'11"E
632.26'
363.11'

PARCEL B

S28°02'50"E
103.00'

RESIDENCE 2
RESIDENCE A

N/F
WOODVALE
CONDOMINIUM

TERMINATION OF DRAINAGE EASEMENT

Whereas, the **Town of Acton** is a municipal corporation with a principal place of business at 472 Main Street, Acton, Middlesex County, Massachusetts (hereinafter, the "Town").

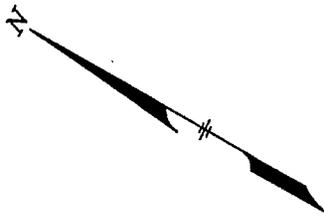
WITNESSETH

Whereas, the Town is named as grantee in a Deed of Drainage Easement (the "Drainage Easement") originally granted by William T. McCarthy, Sr. and Robert M. McCarthy and recorded with Middlesex South District Registry of Deeds in Book 12197, Page 410. The said Drainage Easement area is a portion of the premises described in deeds recorded with said Registry of Deeds in Book 12026, Page 142 and Book 12026, Page 144 (the "Premises"). Said Drainage Easement is shown on a plan entitled "Sketch Plan A in Acton, Massachusetts (Middlesex County) For: Norfolk Ram Group, Scale: 1"=50'" dated April 28, 2008, prepared by Stamski and McNary, Inc. and attached hereto as Exhibit A (the "Plan") and to which Plan reference may be had for a more particular description of said Drainage Easement.

Whereas, the Town wishes to abandon and terminate the Town's right, title and interest in and to said Drainage Easement in conjunction with the grant of a new drainage easement to the Town to be recorded herewith.

Now therefore, in consideration of One (\$1.00) Dollar and other good and valuable consideration, the receipt of which is hereby acknowledged, the Town does hereby abandon, terminate and forever quitclaim unto the present owner of the Premises, its successors and assigns, all of the Town's right, title and interest under said Drainage Easement.

This Termination of Drainage Easement is specific to the lot identified as Lot E, Harris Street and Great Road, identified on a plan entitled "Plan of Land in Acton, Mass" dated March 10, 1969, Acton Survey & Engineering, Inc., Surveyor, recorded with said Registry of Deeds at the end of Record Book 11767. Said lot is currently owned by



SKETCH PLAN A
IN
ACTON, MASSACHUSETTS
(MIDDLESEX COUNTY)

FOR: NORFOLK RAM GROUP
SCALE: 1"=50' APRIL 28, 2008

STAMSKI AND McNARY, INC.
80 HARRIS STREET ACTON, MASSACHUSETTS
ENGINEERING - PLANNING - SURVEYING



(3902ease.dwg.sketch.dwg) Spring Hill Commons SM-3902

