ATTACHMENT E
ARTICLE 97 ANALYSIS WITH DEEDS AND PLANS

ARTICLE 97 ANALYSIS

Concord's proposed improvements to the Nagog Pond Public Drinking Water Filtration Plant (the "Project") do not require approvals under Article 97 of the Massachusetts Constitution. The Town of Concord is going to retain ownership and possession of the land and the land will continue to be used for public drinking water supply purposes. Accordingly, the building and treatment system improvements, including the proposal to utilize a natural gas powered distributed energy unit to provide electricity to the treatment facility, do not implicate Article 97 concerns.

The treatment facility is and will be located on Parcel C4-14 within the Town of Acton. Concord also owns and controls Parcel C4-32, an adjacent parcel with an access road to the treatment facility.

In *Mahajan v. Dep't of Envtl. Prot*., 464 Mass. 604, 613-17 (2013), the Supreme Judicial Court provided a thorough analysis of Article 97. Citing *Selectmen of Hanson v. Lindsay*, 444 Mass. 502, 508–509 (2005), the SJC in *Mahajan* indicated that the "critical question to be answered is not whether the use of the land incidentally serves purposes consistent with art. 97, or whether the land displays some attributes of art. 97 land, but whether the land was *taken for those purposes*, or subsequent to the taking was designated for those purposes in a manner sufficient to invoke the protection of art. 97." The Town of Concord has never taken any steps to designate C4-14 or C4-32 as Article 97 lands by deed or other recorded restriction. On the contrary, both parcels were expressly acquired for the purpose of establishing and maintaining a public water supply system.

Parcel C4-14

The Town of Concord acquired Parcel C4-14 in 1909 for the purpose of operating a public water supply system to purify and construct a water supply system.

Article 14 from the 1909 Town of Concord Annual Town Meeting authorized the Concord Water and Sewer Commission "to take and hold the waters of Nagog Pond,…and to also take and hold by purchase or otherwise all necessary land, water rights, rights of water and easement for raising, holding, diverting, purifying and preserving such waters." A copy of Article 14 from the 1909 Annual Town Meeting is attached as **Exhibit A**.

On July 28, 1909, the Town of Concord recorded an Instrument of Taking in the Middlesex County Registry of Deeds, Book 3457, Page 221 – 237, a copy of which is attached as **Exhibit B**. The Instrument of Taking performed several actions for the purpose of "laying out, establishing, operating and maintaining an additional water supply system to be obtained from Nagog Pond." In the following subsections of the Instrument of Taking, Concord:

(a) took the rights to Nagog Pond and the land under the pond;

(b) took a "right of way" in certain parcels the purpose of laying, constructing, operating, maintaining, and repairing water pipes, structures and appurtenances for a complete system of water works;
(c) took certain entire parcels located around the southeasterly bank of Nagog Pond for the "purpose of preserving and protecting the purity of the water of Nagog Pond and for uses incidental to the construction, operation, maintenance, repair and renewal of said water supply system to be derived from Nagog Pond"; and
(d) took rights of way to access the lands referenced in section a, b, and c.

The parcels Concord acquired in the Instrument of Taking are described in Section C of the document and are shown in a plan of land title, "Location of Lands Bordering upon Nagog Pond in the Towns of Acton and Littleton, Mass. and Rights of Way Leading Thereto Taken by the Town of Concord for Water Supply Purposes," dated July 1, 1909, prepared by Metcalf & Eddy. A copy of the plan is attached as **Exhibit C.** Parcel C4-14 is shown as the land of the Pilgrim Milling Co. and is labeled as "(c) Fourth Parcel, Area = 5.3 acres."

Based on these historic documents, it is evident that the Town of Concord acquired Parcel C4-14 to establish a public water supply system and not merely to preserve open space around Nagog Pond.

Even if Article 97 applied to C4-14, the proposed improvements to the water treatment facility would not require compliance with the approval procedures of the constitutional provision, because there is no change in use of Parcel C4-14, and there is no "disposition" of the land, which will continue to be owned and operated by the Town of Concord.

Parcel C4-32

The roadway that provides access to the water treatment facility is located primarily on Parcel C4-32. The building and related treatment facility equipment, including the proposed distributed energy unit, is located on C4-14.

The Town of Concord acquired Parcel C4-32, a roughly triangular 3.75 acre parcel of land, through a land swap with the Palmer Family Trust. The land swap was executed over a period of years between 1994 and 2003. The impetus of the swap was to exchange parcels that were roughly equivalent in size, but adjacent to areas that the counter-party wanted to control and develop. The Town of Concord wanted to acquire Parcel C4-32, which was contiguous with Parcel C4-14 property and contained the access road to the ozone treatment facility. The land Concord swapped for C4-31, Parcel D4-29, was contiguous with other land that a developer wanted to acquire for the Quail Creek condominiums and golf course.

Like Parcel C4-14, Concord acquired Parcel D4-29 in 1932 "for the purpose of constructing and maintaining a filtration plant for the purification of waters of Nagog Pond." Concord never designated Parcel D4-29 as Article 97 land.

The Town of Concord passed two Town Meeting Warrants endorsing the swap to acquire C4-32 for public water supply purposes: Article 39 of 1994 and Article 39 of 1998.

Article 39 at the Concord Town Meeting on April 11, 1994 stated:

> VOTED: That for *the purpose of constructing and maintaining a facility for the disinfection, filtration, or other treatment of the waters of Nagog Pond* as authorized under the provisions of Chapter 201, Acts of 1884, and Chapter 40, Section 39A and 39B of the Massachusetts General Laws, the Town authorizes the Public Works Commission voting as Water Commissioners to enter into agreement with and convey to Gloria W. Palmer, Trustee of the Palmer Family Realty Trust, or their successors in title, a parcel of land belonging to the Town of Concord, situated in the Town of Acton and identified on the Town of Acton Assessors Maps as parcel 29, Sheet D4 [**D4-29**], consisting of 3.75 acres, and in exchange for said parcel further to authorize the Public Works Commission to accept conveyance of all or portions of a parcel of land [**C4-32**] owned by Gloria W. Palmer, Trustee of Palmer Family Trust or their successors in title situated near Nagog Brook approximately 300 feet from Nagog Pond as shown on a plan entitled "Proposed Land Transfer", by Haley and Ward, Inc., September 1993…and further to authorize the Board of Selectman to petition the Massachusetts General Court for an act as may be required to authorize the disposition, sale, conveyance, or exchange of the first-mentioned parcel owned by the Town of Concord [**D4-29**]; such exchange or conveyance to take place only upon certification by the Concord Board of Selectmen that all necessary permits, licenses, and approvals, have been obtained from appropriate authorities in the Town of Acton *permitting the use of said parcel [**C4-32**] for the purpose of constructing and maintaining a facility for the disinfection, filtration or other treatment of the waters of Nagog Pond*.

Several years passed without further action on the land swap. Then, in the 1998 Concord Town Meeting, the Town approved another Article 39, which re-affirmed the vote passed under Article 39 of the Warrant for the 1994 Town Meeting. The 1998 version of Article 39 authorized "the Board of Selectmen to petition the General Court for an act as may be required to authorize such land transfer" and also authorized the Board of Selectman to offer to convey the land to the Town of Acton for $20,000. The Town of Acton issued a memorandum, dated July 3, 1998, in which the Town of Acton confirmed that it did not have an interest in purchasing C4-32.

Pursuant to the requirements of Chapter 201, Acts of 1884, the act that authorized Concord's public water supply system and the taking of Nagog Pond, and Chapter 40, Section 39A and 39B of the Massachusetts General Laws, the Massachusetts legislature adopted Chapter 179 of the Acts of 2000 stating that "[n]otwithstanding the provisions of section 15B of chapter 40 of the General Laws, the town of Concord may convey a certain parcel of land located in the town of Acton" and acknowledging that the land Concord acquired in the swap was "to be used in connection with the abutting town of Concord ozone treatment facility." G.L. c. 40, § 39B contains a reference to a town's eminent domain power under G.L. c. 79, but it does not indicate

that land taken for public water supply are also subject to Article 97. During this process, neither town nor the Massachusetts General Court required compliance with Article 97 with respect to the land swap.

The deed conveying parcel C4-32 from the Palmer Family Trust to the Town of Concord, Book 40019, Page 158 (the "C4-32 Deed"), a copy of which is attached as **Exhibit D**, states that the land is being conveyed to Concord "by and through its Public Works Commission." The C4-32 Deed also incorporates a plan entitled "Plan of Land in Acton, Massachusetts" prepared for Town of Concord Water Dept., Great Road, Acton, MA 01720, dated April 13, 2001, and prepared by Acton Survey & Engineering. This plan is recorded as Plan 641 of 2003 in the Middlesex South Registry of Deeds, and a copy is attached as **Exhibit E**. The Notes on the recorded plan states, among other things, "Parcel A [C4-32] is not a building lot, but is to be ***adjoined with abutting land of the Town of Concord Water Dept. [C4-14]***."

In contrast to the C4-32 Deed, the Town of Concord acquired a parcel along Nagog Pond in Littleton from the Trustees of the Emily B. Cobb Trust B for conservation purposes. Middlesex Registry of Deeds, Book 23507, Page 037. This deed was executed in July 1993 around the same time Concord began discussing a land swap with the Palmer Family trust for Parcel C4-32. The deed for land from the Cobb Trust contained the following express language: "[the Grantors] grant to the Town of Concord…***for the public purposes set forth in Article 97***…including protection and conservation of forest, water, air and other natural resources to be held and managed by said Commission for watershed preservation." The absence this restrictive language in the documents for Parcel C4-32 supports the conclusion that this parcel was intended to support the active water management on Parcel C4-14, but was not taken or designated as Article 97 land.

Thus, there is no support for the position that the Town of Concord acquired Parcel C4-32 as Article 97 land or that it was obtained only as open space for conservation. Parcel C4-32 is part of a concerted strategy by the Town of Concord to secure rights in the land around Nagog Pond to maintain ownership and control of the specific parcels below the Nagog Dam for the purpose of constructing and maintaining a facility for the disinfection, filtration, or other treatment of the waters of Nagog Pond.

Response to Comments

In comments, some individuals argued the proposed improvements to the Nagog Pond Public Drinking Water Filtration Plant must comply with the approval procedures of Article 97 because they assert:

(a) the ozone treatment facility was built without compliance with Article 97;
(b) the incorporation of chemical treatment constitutes a change is use; and
(c) any clearing of the land will result in the loss of open space which requires compliance with Article 97.

None of these assertions are accurate or applicable.

As discussed above, Parcels C4-14 and C4-32 were not acquired for open space purposes and have never been designated as Article 97 land. It is evident from the recorded Instrument of Taking for C4-14 and the land swap documents for C4-32 that these properties were acquired for the purpose of developing and maintaining a public water supply. The ozone treatment facility on C4-14 was constructed in 1995 to comply with state and federal drinking water standards. Under current federal and state drinking water requirements, including the Filtration Avoidance Waiver under the Surface Water Treatment Rule, there are water quality limitations on the use of the water available with the current ozone treatment facility. As a result, the facility is only providing seasonal usage. The proposed improvements to the facility will incorporate some additional chemical processes to improve the water quality and ensure compliance with federal and state drinking water standards. These improvements to meet mandatory drinking water requirements are certainly consistent with the public water supply purpose established when Concord obtained the land. None of this work to maintain proper water quality standards implicates any Article 97 concerns.

Even assuming for the sake of argument that Article 97 did apply to these parcels, since there will be no change in the ownership or change in use of the parcels, there is no requirement for the Town of Concord or the Town of Acton to comply with the procedural requirements of Article 97 to proceed with the improvements to the treatment facility.

Furthermore, even if these were Article 97 lands, there is no loss of open space under the current proposal. The proposed treatment facility occupies virtually the same footprint as the existing facility. Even if there was some loss of "open space" in conjunction with the improvements, since the Project will continue the public water supply purpose, there is no requirement to comply with Article 97 because maintaining a public water supply use is consistent with Article 97's mandate to foster "*the protection of the people in their right to the conservation, development and utilization of the agricultural, mineral, forest, water, air and other natural resources.*"

EXHIBIT

A

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Town of Concord
Annual Town Meeting
April 5, 1909

ART. 14. To see if the Town will procure an additional supply of water from Nagog Pond and authorize the construction of works and do any and all things needful therefor.

Voted, That the Water and Sewer Commissioners be, and they hereby are, authorized to lay out, construct, and maintain works for procuring and furnishing an additional supply of water from Nagog Pond in connection with and extension of the existing works of the Town, under the provisions of Chapter 188 of the Acts of 1872, Chapter 201 of Acts of 1884, and acts in addition thereto and amendment thereof, in substantial accordance with the annual report of said Commissioners; and

Voted, That the Water and Sewer Commissioners be, and they are, hereby authorized and directed in the name of the Town to take and hold the waters of Nagog Pond, so called, in the towns of Acton and Littleton, and also to take and hold by purchase or otherwise all necessary lands, water rights, rights of way, and easements for raising, holding, diverting, purifying and preserving such waters, and conveying the same to any and all parts of the Town of Concord.

EXHIBIT

B

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Town of Concord Takings

Commonwealth of Massachusetts.

Middlesex ss. Know all men by these presents that the Town of Concord in the County and Commonwealth aforesaid, acting through its Water and Sewer Commissioners duly elected and qualified, and by virtue and in part in execution of the powers given by Chapter 188 of the Acts of said Commonwealth for the year 1872, by Chapter 201 of the Acts of 1884 and by any Acts of said Commonwealth in amendment thereof or in addition thereto, and under the authority of said Town by vote at a legal meeting held for the purpose April 5th 1909, Does hereby for the purposes mentioned in said Acts and more particularly for laying out, establishing, creating and maintaining an additional water supply system to be obtained from Nagog Pond in the Towns of Acton and Littleton Massachusetts, in connection with and in improvement and extension of the water works of said Town of Concord Massachusetts, Make the following takings: (a) Said Town for its own uses and for the purpose of supplying said Town and its inhabitants with pure water for extinguishing fires, generating steam, and for domestic and other purposes, and in accordance with Chapter 201 of the Acts of 1884 hereby takes, First; all the waters of Nagog Pond, so called, located in the Towns of Acton and Littleton, Massachusetts, and the waters which flow into and from the same except so much water as the riparian owners upon Nagog Brook between Nagog Pond and the confluence of Nagog and Nashoba Brooks may be entitled to for domestic uses and for watering stock. Second; the land under said Nagog Pond up to the overflow level of the existing dam at the outlet of said Nagog Pond, as it exists at the present time, and all rights of flowage vested in or acquired by the present owners of said dam. (b) Said Town hereby takes a right-of-way over and under the following described parcels of land for purposes of laying and constructing and forever operating, maintaining, repairing and renewing therein water pipes and structures and appurtenances incident to a complete system of water works; with the right to pass and repass over said land on foot or with teams or vehicles for any and all of the purposes above mentioned; and with the right to grade and prepare the same for any and all of the above mentioned uses, each of said parcels of land being 40 feet in width (and contained

See Plans Filed Plan 153-154 & 155
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between two parallel lines), each respectively upon opposite sides of and 20 feet distant from the respective center lines thereof), located and described *below: *Footnote: The bearings given in this document are "true bearings" and not "magnetic bearings," based upon records obtained from the Massachusetts Harbor and Land Commissioners. (b) First Parcel: lands supposed to belong to Moses Taylor. Beginning at a point shown as "Sta. = 4+97.8" of the right-of-way, and marked as "Point of Beginning" on the plan filed herewith (sheet) and entitled "Concord Water Works, Concord, Mass., Location Rights-of-Way in Acton, Mass., Taken by the Town of Concord for a Water Supply from Nagog Pond", dated May 20, 19[illegible] and prepared by Metcalf & Eddy, Consulting Engineers, Boston, Mass., in the dividing line between lands supposed to belong to said Moses Taylor and the Pilgrim Milling Company (said parcel of land of the Pilgrim Milling Company being the same referred to in Section (c) "Fourth Parcel" page 12 herein) said "Point of Beginning" being located ten and one tenth (10.1) feet, measured southwesterly along said division line, from the angle in the division wall between lands supposed to belong to said Moses Taylor, said Pilgrim Milling Company and George Murphy, and running south fifty seven degrees forty three minutes east (S. 57° 43' E) ninety five and two tenths (95.2) feet to a point shown as "Sta. = 5+93.0" in the division wall between lands supposed to belong to said Moses Taylor and Thomas F. McCarthy; comprising within said strip of land forty (40) feet in width, an area of approximately eighty seven thousandths (0.087) of an acre. (b) Second Parcel; in land supposed to belong to Thomas F. McCarthy. Beginning at the last described point shown as "Sta. = 5+93.0" in the division wall between lands supposed to belong to Moses Taylor and Thomas F. McCarthy and Continuing by the last described course south fifty seven degrees forty three minutes east (S 57° 43' E) forty four (44) feet to a point shown as "Sta. = 6+37.0" in the division wall between land supposed to belong to Thomas F. McCarthy and Moses Taylor; Comprising within said strip of land forty (40) feet in width an area of approximately forty thousandths (0.040) of an acre. (b) Third Parcel; in land supposed to belong to Moses Taylor. Beginning at the last described point shown as "Sta. = 6+37.0" in the division wall between lands supposed to belong to Thomas F. McCarthy and Moses Taylor

and Continuing: seven degrees forty and six tenths (97. thence Deflecting th the right and minutes east (S 20° four tenths (581.4) thence Deflecting to the left and r three minutes east four and one tenth thence Deflecting th 42') to the righ fifty one minutes eight and seven Sta. = 21+38.8"; thence tes (54° 05') to the degrees fifty six mi and twenty four shown as "Sta. = 23 lands supposed to Robbins; comprising feet in width and eighty five th Parcel; in land su Beginning at the the division wa said Moses Tayl by the last d fifty six minutes belong to Ruth feet, to a point sh ing eleven degrees eight and runnin minutes east (S. 54 shown as "Sta. = 25 lands supposed to Munro; compris feet in width thousandths (0.152 land supposed to the last describ division line be

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nd Continuing by the last described course south fifty
ven degrees forty three minutes east (S 57° 43' E) ninety seven
d six tenths (97.6) feet to a point shown as "Sta. = 7+34.6";
ence Deflecting thirty seven degrees fifteen minutes (37° 15')
the right and running south twenty degrees twenty eight
inutes east (S 20° 28' E) five hundred and eighty one and
ur tenths (581.4) feet, to a point shown as "Sta. = 13+16.0";
ence Deflecting twenty two degrees five minutes (22° 5')
the left and running south forty two degrees thirty
ree minutes east (S 42° 33' E) two hundred and forty
ur and one tenth (244.1) feet to a point shown as "Sta. = 15+60.1";
ence Deflecting thirty degrees and forty two minutes
42') to the right and running south eleven degrees
fty one minutes east (S 11° 51' E) five hundred and seven
eight and seven tenths (578.7) feet to a point shown as
Sta. = 21+38.8"; thence Deflecting fifty four degrees five min-
tes (54° 05') to the left and running south sixty five
grees fifty six minutes east (S 65° 56' E) two hundred
d twenty four and two tenths (224.2) feet to a point
own as "Sta. = 23+63.0" in the division wall between
ands supposed to belong to said Moses Taylor and Ruth
obbins; comprising within said strip of land forty
) feet in width, an area of one and five hundred
nd eighty five thousandths (1.585) acres. (b) Fourth
rcel; in land supposed to belong to Ruth Robbins.
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said Moses Taylor and Ruth Robbins and Continu-
ng by the last described course south sixty five degrees
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belong to Ruth Robbins, one hundred and nine (109)
t, to a point shown as "Sta. = 24+72.0"; thence Deflect-
ng eleven degrees thirty seven minutes (11° 37') to the
ght and running south fifty four degrees nineteen
minutes east (S. 54° 19' E) fifty seven (57) feet to a point
own as "Sta. = 25+29.0" in the division line between
ands supposed to belong to Ruth Robbins and Mary
Munro; comprising within said strip of land forty
40) feet in width, an area of one hundred fifty two
thousandths (0.152) of an acre. (b) Fifth Parcel; in
land supposed to belong to Mary S. Munro. Beginning
t the last described point shown as "Sta. = 25+29.0" in
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said Ruth Robbins and Mary S. Munro and continuin
by the last described course south fifty four degrees ni
teen minutes east (S. 54° 19' E) three hundred and eighte
and three tenths (318.3) feet to a point shown as "Sta.=28+
thence Deflecting twenty degrees forty nine minutes (20°
to the left and running south seventy five degrees ei
minutes east (S 75° 08' E) two hundred and ninety eight
two tenths (298.2) feet to a point shown as "Sta.=31+45
thence Deflecting twenty three degrees fifty minutes (23°
to the right and running south fifty one degrees eight
minutes east (S 51° 18' E) two hundred and eighty seven
nine tenths (287.9) feet to a point shown as "Sta.=34+33
thence Deflecting nineteen degrees eight minutes (19°
to the right and running south thirty two degrees te
minutes east (S 32° 10' E) one hundred forty one and
tenths (141.6) feet to a point shown as "Sta.=35+75
in the property line between lands supposed to bel
to said Mary S Munro and Stella D. Smith; compri
ing within said strip of land forty (40) feet in wid
an area of approximately nine hundred and sixty
thousandths (0.961) of an acre. (b) Sixth Parcel; i
land supposed to belong to Stella D. Smith. Beginni
at the last described point shown as "Sta.=35+75.0"
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to said Mary S. Munro and Stella D. Smith, and Conti
ing by the last described course south thirty two degr
ten minutes east (S 32° 10' E) three hundred and si
six and eight tenths (366.8) feet to a point shown
"Sta.=39+41.8"; thence Deflecting twenty two degr
twenty nine minutes (22° 29') to the left and ru
ning south fifty four degrees thirty nine minutes ea
(S 54° 39' E) eight hundred and twenty eight and two ten
(828.2) feet to a point shown as "Sta.=47+70.0" in the di
ion fence between land supposed to belong to said S
la D. Smith and O. Bartlett; comprising within said
of land forty (40) feet in width, an area of approximat
one and ninety seven thousandths (1.097) acres. (b) Si
enth Parcel; in land supposed to belong to O. Bartle
Beginning at the last described point shown as "Sta.=47+
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9) feet to a point shown as "Sta.=47+71.9"; thence Deflecting
degrees fifty minutes (6° 50') to the right and running
uth forty seven degrees forty nine minutes east (S47° 49' E)
e hundred and forty one and four tenths (541.4) feet to a
int shown as "Sta.=53+13.3"; thence Deflecting six degrees
fty three minutes (6° 53') to the left and running
uth fifty four degrees and forty two minutes east (S54° 42' E)
fty nine and seven tenths (59.7) feet to a point in the
vision wall between the land of said O. Bartlett and the
ghway locally known as the Acton road shown as "Sta.=53+73";
mprising within said strip of land forty (40) feet in width
area of approximately five hundred and fifty four thou
ndths (0.554) of an acre. (b) Eighth Parcel; in the high
ay locally known as Acton Road. Beginning at the last
scribed point shown as "Sta.=53+73" in the division
all between the land of O. Bartlett and said Acton
oad and continuing by the last described course south
fty four degrees and forty two minutes east (S54° 42' E)
rty six (46.0) feet to a point shown as "Sta.=54+19" in the
vision wall between said Acton Road and land sup-
sed to belong to Luther Davis. (b) Ninth Parcel; in
and supposed to belong to Luther Davis. Beginning at
e last described point shown as "Sta.=54+19" in the
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to belong to Luther Davis and continuing by the
st described course south fifty four degrees forty two
inutes east (S54° 42' E) one hundred and fifteen and
ine tenths (115.9) feet to a point shown as "Sta.=55+34.9",
hence Deflecting thirty one degrees twenty four minutes
1° 24') to the right and running south twenty three
grees eighteen minutes east (S 23° 18' E) seven hundred and
wenty and eight tenths (720.8) feet to a point shown as
ta.=62+55.7"; thence Deflecting eighteen degrees thirty
minutes (18° 36') to the left and running south forty
degrees fifty four minutes east (S41° 54' E) one hun-
ed sixty three and five tenths (163.5) feet to a point
the division fence between land supposed to belong
said Luther Davis and the supposed westerly side
the right-of-way of the New York New Haven and
artford Railroad Company shown as "Sta.=64+19.2"; com-
rising within said strip of land forty (40) feet in width
n area of approximately nine hundred and eighteen thou-
andths (0.918) of an acre. (b) Tenth Parcel; in the

3457
226

right of way supposed to belong to the N.Y. N.H. & H.R.R. Company. Beginning at the last described point shown as "Sta-64+19.2" in the division fence between land supposed to belong to said Luther Davis and the right-of-way supposed to belong to said N.Y. N.H. & H.R.R. Co., and continuing by the last described course south forty one degrees fifty four minutes east (S41° 54'E) one hundred and three and five tenths (103.5) feet to a point in the division fence between the said right-of-way and land supposed to belong to Alice Davis shown as "Sta.-65+22.7"; comprising within said strip of land forty (40) feet in width, an area of approximately ninety five thousandths (0.095) of an acre. (b) Eleventh Parcel in land supposed to belong to Alice Davis. Beginning at the last described point shown as "Sta = 65+22.7" in the line between the right-of-way supposed to belong to the N.Y. N.H. & H.R.R. Co. and land supposed to belong to Alice Davis and continuing by the last described course south forty one degrees fifty four minutes east (S41° 54'E) one hundred thirty two and three tenths (132.3) feet to a point in the division wall between the land of said Alice Davis and the highway locally known as the "Great Road" shown as "Sta 66+55"; comprising within said strip of land forty (40) feet in width an area of one hundred twenty one thousandths (0.121) of an acre. (b) Twelfth Parcel in the highway locally known as the "Great Road". Beginning at the last described point shown as "Sta.=66+55" in the division wall between land supposed to belong to Alice Davis and the highway locally known as the "Great Road" and continuing by the last described course south forty one degrees and fifty four minutes east (S.41° 54' E) one hundred thirty five and seven tenths (135.7) feet to a point in said "Great Road" shown as "Sta.= 67+90.7"; from which point the adjacent Massachusetts highway bound upon the westerly side of "Great Road" (opposite Station 99 of said Massachusetts Highway Commission's plan of "Great Road" in Acton) is distant one hundred thirty two and seven tenths (132.7) feet in an angle deflecting twenty seven degrees and fifty seven minutes (27° 57') to the right from the previously mentioned course, the bearing of which is south forty one degrees and fifty four minutes east (S41° 54'E); said "Sta 67+90.7" may also be defined as one hundred and thirty two and seven tenths (132.7) feet distant from

said Massachusetts
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(c) Said Town here
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Location of Lands Bor
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dated July 1, 1909, and
Engineers, Boston, Mas
(145) feet distant
north seventy one
(S71° 38'E) from a
the boundary line
Mass., and run
thirty eight minute
and ninety one (
thirty four degrees
eight and running
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(606) feet to a po
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within said strip of ...
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ed course south forty ...
S41°54'E) one hundred ...
32.3) feet to a point ...
land of said Alice ...
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. (b) Twelfth Parcel ...
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is one hundred and ...
) feet distant from ...

said Massachusetts highway bound (opposite Station 99 of the said Massachusetts Highway Commission's plan of "Great Road" in Acton) on a line deflecting ten degrees and twenty three minutes (10° 23') to the right from a line running through said Massachusetts highway bound (opposite Station 99) from the adjacent Massachusetts highway bound on the westerly side of said "Great Road" opposite Station 97 + 35.0 of the plan of the Massachusetts Highway Commission of the "Great Road" in Acton. (b) Said Town hereby takes the following described parcels of land in the towns of Acton and Littleton, Mass., for the purpose of preserving and protecting the purity of the waters of Nagog Pond and for uses incidental to the construction, operation, maintenance, repair and renewal of said water supply system to be derived from Nagog Pond. (c) First Parcel; in land supposed to belong to Luther Conant. Beginning at a point in the division wall between lands supposed to belong to B. D. Hill and Luther Conant, said point being shown as the "Point of Beginning" upon a plan filed herewith and entitled "Concord Water Works, Concord, Mass. Location of Lands Bordering upon Nagog Pond in the Towns of Acton and Littleton Mass, and Rights of Way Leading thereto taken by the Town of Concord for Water Supply Purposes" dated July 1, 1909, and prepared by Metcalf & Eddy, Consulting Engineers, Boston, Mass., and being one hundred and forty five (145) feet distant on a course the true bearing of which is north seventy one degrees and thirty eight minutes east (N71° 38'E) from a stone bound known as "Bound No. 2" in the boundary line between the towns of Acton and Littleton, Mass., and running north seventy one degrees and thirty eight minutes east (N71° 38'E) approximately five hundred and ninety one (591) feet to a wall; thence Deflecting thirty four degrees and sixteen minutes (34° 16') to the right and running south seventy four degrees and six minutes east (S74° 06'E) approximately six hundred and six (606) feet to a point in the division wall between lands supposed to belong to Luther Conant and to the Town of Acton; thence Deflecting one hundred and fourteen degrees and six minutes (114° 06') to the left and running north eight degrees and twelve minutes west (N8° 12'W) approximately three hundred and eighty one (381) feet, to the high water flow-line of Nagog Pond; thence Deflecting to the left and running westerly by said flow-line approximately twelve hundred and twenty five (1225) feet to

the division wall between lands supposed to belong to Moses Taylor and
Luther Conant and to B. D. Hill; thence Deflecting to the left and runne
left and running south seven degrees and five minutes east (S9° 33'
(S7° 05' E) approximately two hundred and sixty three (263) fe (345) feet to the
to the point of beginning; comprising an area of approxim approximately three
ly eight and nine tenths (8.9) acres. (c) Second Parcel; arcel; in land su
land supposed to belong to the Town of Acton. Beginning ng company. Begin
at a point in the division wall between lands suppos tween the lands s
to belong to Luther Conant and to the Town of Acto the Pilgrim Mill
shown on the plan as the "Point of Beginning," and the "Point of Begin
running south seventy four degrees and six minutes ea egrees and forty m
(S74° 06' E) approximately one thousand and seventy three (10 division line betwe
feet to a point in the division wall between lands su Pilgrim Milling Co
posed to belong to the Town of Acton and to Moses Tayl six hundred and
thence Deflecting one hundred and fifteen degrees and tw division wall betw
ty-seven minutes (115° 27') to the left and running nor m Milling Comp
nine degrees and thirty three minutes west (N9° 33' W) hence Deflecting
proximately three hundred and forty five (345) feet to t ong the division
high water flow-line of Nagog Pond; thence Deflecting t posed to belong to
the left and running northwesterly by the said flow-li said George M
approximately thirteen hundred (1300) feet to the division ty five (265) feet
wall between lands supposed to belong to the Town other division w
Acton and to Luther Conant; thence Deflecting to the l elong to said Pilg
and running south eight degrees and twelve minutes ea eorge Murphy, the
(S8° 12' E) approximately three hundred and eighty one (38 ing north one d
feet to the point of beginning; comprising an area 10° 48' W) along the
approximately seven and five tenths (7.5) acres. (c) Th posed to belong to
Parcel; in land supposed to belong to Moses Taylor. Be George Murphy
ning at a point in the division wall between lands su angle in said divis
posed to belong to the Town of Acton and Moses Taylor, sh five degrees and the
on the plan as the "Point of Beginning" and running no inning north s
seventy two degrees and twenty one minutes east (N72° 21' 77° 01' W) along the
approximately six hundred and eighty two (682) feet, to t ng to said Pilgr
end of a division wall between lands supposed to belo Murphy, approximat
to Moses Taylor and to the Pilgrim Milling Compan t to an angle in
thence Deflecting one hundred and forty one degrees an degrees and fifty
forty three minutes (141° 43') to the left and runnin ng by said wall
north sixty nine degrees and twenty two minutes we minutes west (N 7
(N69° 22' W) approximately five hundred and thirty two (5 teen (107) feet to
feet to the high water flow-line of Nagog Pond; the ween lands suppo
Deflecting to the left and running westerly by sa mpany, George M
flow-line approximately two hundred and ten (210) fe g nine degrees o
to the division wall between lands supposed to belo ight and running

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fpposed to belong to Moses Taylor and to the Town of Acton; thence Deflecting
hence Deflecting to the left and running south nine degrees and thirty three
es and five minutes east minutes east (S9° 33'E) approximately, three hundred and forty
nd sixty three (263) fe five (345) feet to the point of beginning; comprising an area
g an area of approxima approximately three and five tenths (3.5) acres. (c) Fourth
(c) Second Parcel; parcel; in land supposed to belong to the Pilgrim Mill-
n of Acton. Beginning ing Company. Beginning at a point on the division wall
etween lands suppos between the lands supposed to belong to Moses Taylor and
o the Town of Acton the Pilgrim Milling Company, and shown on the plan
of Beginning, and the "Point of Beginning" and running north thirty four
s and six minutes ea degrees and forty nine minutes east (N 34° 49' E) along the
and seventy three (10 division line between lands supposed to belong to the
ll between lands sup Pilgrim Milling Company and to Moses Taylor approximate
n and to Moses Tayl six hundred and one (601) feet to the angle in the
fifteen degrees and two division wall between lands supposed to belong to the Pil-
t and running north rim Milling Company, Moses Taylor and George Murphy,
tes west (N9° 33' W) a thence Deflecting to the left and running westerly
five (345) feet to the along the division wall and brook between the lands sup-
thence Deflecting to posed to belong to said Pilgrim Milling Company and
by the said flow-line said George Murphy, approximately two hundred and
eet to the division sixty five (265) feet to the intersection of said brook with
along to the Town of another division wall between the lands supposed to
Deflecting to the left belong to said Pilgrim Milling Company and to said
nd twelve minutes ea George Murphy, thence Deflecting to the right and run-
and eighty one (38 ning north one degree and forty eight minutes west
prising an area of (N 1° 48' W) along the division wall between lands sup-
s (7.5) acres. (c) Third posed to belong to the Pilgrim Milling Company and
to Moses Taylor. Begin to George Murphy approximately sixty two (62) feet to an
ll between lands sup angle in said division wall, thence Deflecting seventy
and Moses Taylor shown five degrees and thirteen minutes (75° 13') to the left and
ng and running north running north seventy seven degrees and one minute west
inutes east (N 72° 21' E) (N 77° 01' W) along the wall between lands supposed to be-
y two (682) feet, to the long to said Pilgrim Milling Company and to said George
ds supposed to belong Murphy, approximately, two hundred and fifty seven (257)
Milling Company feet to an angle in said division wall, thence Deflecting
forty one degrees and zero degrees and fifty minutes (0° 50') to the right and run-
left and running ning by said wall north seventy six degrees and eleven
two minutes west minutes west (N 76° 11' W) approximately one hundred and
and thirty two (532 seven (107) feet to the intersection of the division walls be-
Nagog Pond; thence tween lands supposed to belong to the Pilgrim Milling
westerly by said Company, George Murphy and A. F. Prentiss; thence Deflect-
and ten (210) feet ing nine degrees and thirty five minutes (9° 35') to the
suppposed to belong right and running north sixty six degrees and thirty-

six minutes west (N66°36'W) along the division wall between lands supposed to belong to said Pilgrim Milling Company and A. F. Prentiss twenty four (24) feet more or less, to the high water flow line of Nagog pond, thence Deflecting to the left and running southerly, then easterly, then southerly along the crest of the outlet dam, then westerly along said flow-line, to the division wall between lands supposed to belong to the Pilgrim Milling Company and to Moses Taylor, thence Deflecting to the left and running south sixty nine degrees and twenty two minutes east (S69°22'E) along said division wall approximately five hundred and thirty two (532) feet to the point of beginning comprising an area of approximately five and three tenths (5.3) acres. (c) Fifth Parcel; in land supposed to belong to George Murphy, Beginning at the intersection of the division wall and line between lands supposed to belong to the Pilgrim Milling Company, Moses Taylor and George Murphy, shown on the plan as the "Point of Beginning", and running thence north thirty eight degrees and fifty four minutes east (N38°54'E) along the wall between lands supposed to belong to George Murphy and Moses Taylor thirty three and four tenths (33.4) feet to the intersection of the walls between lands supposed to belong to Moses Taylor, Thomas F. McCarthy and George Murphy, thence Deflecting eighty three degrees and thirty eight minutes (83°38') to the left and running north forty four degrees and forty four minutes west (N44°44'W) across land supposed to belong to George Murphy five hundred and two (502) feet to a boundary stone in the wall between lands supposed to belong to George Murphy and A. F. Prentiss, thence Deflecting eighty nine degrees and forty four minutes (89°44') to the left and running south forty five degrees and thirty two minutes west (S45°32'W) along the division wall between land supposed to belong to George Murphy and A. F. Prentiss, two hundred and eighty five (285) feet to an angle in the wall, thence Deflecting no degrees and ten minutes (0°10') to the right and running south forty five degrees and forty two minutes west (S45°42'W) along said division wall one hundred and twenty (120) feet to the intersection of the division walls between the lands supposed to belong to said George Murphy, A. F. Prentiss and the Pilgrim Milling Company, thence Deflecting one hundred and twenty one degrees and fifty

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'grim Milling Company twenty six degrees and eleven minutes east (S76° 11' E) along
et more or less, to the the wall between lands supposed to belong to George Murphy
d, thence Deflecting and the Pilgrim Milling Company, one hundred and seven
, then easterly, then (107) feet to an angle in the wall, thence Deflecting no de-
let dam, then westerl ours and fifty minutes (0° 50') to the left and running
wall between lands outh seventy seven degrees and one minute east (S77° 01' E)
Milling Company and long said division wall two hundred and fifty seven (257)
the left and running ut to an angle in said division wall, thence Deflecting
two minutes east wenty five degrees and thirteen minutes (75° 13') to the right
approximately five hun and running south one degree and forty eight minutes east
, point of beginning (1° 48' E) along the division wall between lands supposed
five and three tenths to belong to the Pilgrim Milling Company and George
'and supposed to belong Murphy sixty two (62) feet to the middle of the brook,
e intersection of the thence Deflecting to the left and running southerly
ands supposed to be along the brook and division wall between lands suppos-
ny, Moses Taylor and d to belong to the Pilgrim Milling Company and George
as the "Point of Murphy approximately two hundred and sixty five (265) feet
h thirty eight degrees the point of beginning; comprising an area of approximate
'E) along the wall be ty two and eighty five hundredths (2.85) acres. (Sixth
George Murphy and Parcel; in land supposed to belong to A. F. Prentiss. Begin-
tenths (33.4) feet to the ning at a boundary stone in the division wall between
ds supposed to belong lands supposed to belong to George Murphy and A. F.
nd George Murphy Prentiss, at its intersection with a wall across the land
nd thirty eight minutes of A. F. Prentiss, shown on the plan as the "Point of Begin-
th forty four degrees ning" and running north twenty eight degrees and thirty
4' W) across land sup two minutes west (N 28° 32' W) along said wall across
ive hundred and tiv land supposed to belong to A. F. Prentiss, one hundred
wall between lands nd ninety two (192) feet to an angle in said wall at
, and A. F. Prentiss which another cross wall meets it, thence Deflecting no
s and forty four minute degrees and fifty eight minutes (0° 58') to the right and
th forty five degrees running north twenty seven degrees and thirty four minutes
W) along the division west (N 27° 34' W) along said wall, two hundred and forty
g to George Murphy three (243) feet to the intersection of said wall with the
eighty five (285) feet division wall between lands supposed to belong to A. F.
ecting no degrees and Prentiss and J. Sidney White, thence Deflecting one hun-
running south red and eighteen degrees and fourteen minutes (118° 14')
utes west (S45° 42' W) to the left and running south thirty four degrees and
d and twenty (120) twelve minutes west (S34° 12' W) along the division wall
n walls between the between lands supposed to belong to A. F. Prentiss and
orge Murphy, A. F. J. Sidney White three hundred and thirty (330) feet
npany, thence De t an angle in said division wall, thence Deflecting
degrees and fifty one degree and thirty three minutes (1° 33') to the left

and running south thirty two degrees and thirty nin
minutes west (S 32° 39' W) along said division wall, tw
hundred and two (202) feet to the high water flow-l
of Nagog Pond, thence Deflecting to the left and runni
easterly and southerly by said flow-line approximately f
hundred and eighty five (485) feet to the division wal
between lands supposed to belong to A. F. Prentiss and t
Pilgrim Milling Company, thence Deflecting to the left an
running south sixty six degrees and thirty six minut
east (S66° 36' E) along said division wall twenty four (24)
to its intersection with the division walls between lan
supposed to belong to A. F. Prentiss the Pilgrim Milling C
pany and George Murphy, thence Deflecting sixty seven de
and forty two minutes (67° 42') to the left and runni
north forty five degrees and forty two minutes ea
(N45° 42' E) along the division wall between lands supp
ed to belong to A. F. Prentiss and George Murphy one hu
dred and twenty (120) feet to an angle in said wall
thence Deflecting no degrees and ten minutes (0° 10
to the left and running north forty five degre
and thirty two minutes east (N45° 32' E) along sa
division wall two hundred and eighty five (285) feet
the point of beginning; comprising an area of approxima
three (3) acres. (c) Seventh Parcel; in land supposed
belong to J. Sidney White. Beginning at a point in t
division wall between lands supposed to belong to J. Sidn
White and A. F. Prentiss shown on the plan as the "Poi
of Beginning" and running north twenty six degrees an
forty one minutes west (N26° 41' W) across land supp
ed to belong to J. Sidney White one hundred and si
five (165) feet to an angle in a wall, thence Deflecti
seventeen degrees and forty one minutes (17° 41') to the l
and running north forty four degrees and twenty t
minutes west (N44° 22' W) along said wall, one hu
dred and forty (140) feet to an angle in the wall at
barway, thence Deflecting twenty eight degrees an
thirty four minutes (28° 34') to the left and runni
north seventy two degrees and fifty six minutes we
(N 72° 56' W) along said barway eighteen (18) feet to a
angle in the wall, thence Deflecting forty six degre
and ten minutes (46° 10') to the right and runni
north twenty six degrees and forty six minutes we
(N26° 46' W) along said wall one hundred and ninety si

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and supposed to be
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° 32' E) along said
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right and running
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96) feet to its intersection with a cross wall on land sup-
posed to belong to J. Sidney White, thence Deflecting ninety
four degrees and forty seven minutes (94° 47') to the left
and running south fifty eight degrees and twenty seven
minutes west (S 58° 27' W) along the said cross wall on
land supposed to belong to J. Sidney White five hundred
and fifty eight (558) feet to the intersection of two walls in
a barway, thence Deflecting Twenty seven degrees and
fifty two minutes (27° 52') to the left and running south
thirty degrees and thirty five minutes west (S 30° 35' W) one
hundred and thirty three (133) feet to a stone bound
in the high water flow-line of Nagog Pond, thence Deflect-
ing to the left and running easterly, southerly, westerly,
southerly and easterly, along said flow-line, approximately
fifteen hundred and twelve (1512) feet to the intersection of
said flow-line, with the division wall between lands
supposed to belong to J. Sidney White and A. F. Prentiss;
thence Deflecting to the left and running north thirty
two degrees and thirty nine minutes east (N 32° 39' E) along
said division wall, two hundred and two (202) feet to an
angle in said division wall, thence Deflecting one degree
and thirty three minutes (1° 33') to the right and run-
ning north thirty four degrees and twelve minutes east
(N 34° 12' E) along said division wall three hundred and
thirty (330) feet to the point of beginning; including with
the above described parcel of land, the strip of land which
at low water forms the point and at high water the
island locally known as "Breezy Point", lying within
Nagog Pond southwesterly from the above described par-
cel; comprising within said above described parcel of land
including the island of "Breezy Point," but excluding the
island or marshland shown upon the plan as "Island
Bushes" upon the assumption that the latter is sub-
stantially submerged at high water flow-line in Nagog
Pond, and is therefore, included in the land "under said
Nagog Pond" taken under Section (a) herein, an area of
ten and nine tenths (10.9) acres. (d) Said Town hereby
takes rights-of-way in and over the following strips of
land as a means of access to the lands hereinbefore de-
scribed in Sections (a), (b), and (c); with the right to
pass and repass over said land on foot or with Teams
or vehicles, each of said strips of land being twenty (20)
feet in width and contained between two parallel lines,

each respectively upon opposite sides of and ten (10) fe
distant from the respective center lines thereof locate
and described below. (d) 1. First Right-of-Way For Acces
to Northerly End of Pipe Line, in land supposed to b
to J. Sidney White: Beginning at a point on the sout
westerly side of the highway of the Massachusetts Hig
way Commission known as the Great Road in Acton
which runs from Concord to Groton Massachusetts, sa
point being shown upon a plan filed herewith and
titled "Concord Water Works, Concord, Mass., Location
Lands Bordering upon Nagog Pond in the Towns of Acto
and Littleton Mass., and Rights-of-Way Leading Ther
Taken by the Town of Concord, for Water Supply Purpos
dated July 1, 1909, and prepared by Metcalf & Eddy, Consul
ing Engineers, Boston, Mass.; said point being thirty fi
and three tenths (35.3) feet on a line bearing sout
thirty three degrees and thirteen minutes east (S33°13'
from the stone bound set by the Massachusetts Hig
way Commission, opposite and twenty five (25) feet southwe
erly from "Sta = 183+08.9" of the center line of said sta
highway, Deflecting seventy one degrees and forty si
minutes (71°46') to the right from said southwesterl
side of said state highway and running thence sou
thirty eight degrees and thirty three minutes we
(S. 38°33' W.) four hundred and fourteen (414) feet to a
angle in the driveway in front of and approximately
teen (18) feet distant from the southerly corner of the
house standing on the westerly side of said drivew
Thence Deflecting fifteen degrees and forty five minu
(15°45') to the right and running south fifty fo
degrees and eighteen minutes west (S54°18' W) appro
mately eight hundred and fifty nine (859) feet (the si
lines of said right-of-way coinciding with the wal
bordering upon and marking a lane in the propert
said J. Sidney White) to a point at the southerly en
of said lane; thence Deflecting two degrees and thi
eight minutes (2°38') to the left and running sout
fifty one degrees and forty minutes west (S51°40' W) a
proximately two hundred and forty three (243) feet to
point in the pasture land belonging to said J. Sidne
White; thence Deflecting thirty six degrees and sev
minutes (36°07') to the left and running south fifte
degrees and thirty three minutes west (S15°33' W) approxima

two hundred
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Right of Way For
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ghway, and runni
twenty nine m
fifty (450) feet to
ies and seventeen
g north sixty degr
hundred and six
flecting twelve degr
ght and running
minutes west (N 48°
feet to a point;
teen minutes (4
ty two degrees and
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ftteen degrees and
nning north seve
t (N 70° 27' W) appr
an opening in the
ed to belong to sa
prising an area of

w of and Ten (10) feet two hundred and seven (207) feet to a point in a cross
lines thereof located wall upon the land of said J. Sidney White (said cross wall
Right-of-Way For Access marking the boundary of the parcel of land described here-
land supposed to be above as "(c) Seventh Parcel"); said point being fifteen and
point on the south two tenths (15.2) feet distant and southerly from the north-
he Massachusetts High- westerly corner of said "(c) Seventh Parcel", above referred to;
eat Road in Acton comprising an area of approximately seven hundred and
n Massachusetts, said ninety one thousandths (0.791) of an acre. (d) II. Second
led herewith and in Right of Way For Access To Pipe Line, South of Quarry;
rd, Mass., Location of the land supposed to belong to Stella D. Smith, Ruth Robbins,
in the Towns of Acton Thomas J. McCarthy, and Moses Taylor. (d) II. First Parcel; in
Way leading thereto and supposed to belong to Stella D. Smith. Beginning at
Water Supply Purposes a point on the westerly side of the highway of the Massa-
etcalf & Eddy, Consul- chusetts Highway Commission known as the Great Road
oint being thirty five in Acton, which runs from Concord to Groton, Massa-
line bearing south chusetts, - said point being shown upon Sheet No. 2 of the
minutes east (S33° 13' E) plan referred to under "(b) First Parcel", page 2, herein;
Massachusetts High said point being seventy one (71) feet on a line bearing
five (25) feet southwest north seventeen degrees and fifty one minutes west
line of said state (N17° 51' W) from the stone bound set by the Massachusetts
grees and forty six Highway Commission opposite and twenty five (25) feet west-
said southwesterly ly from "Sta = 122 + 00" of the center line of said state high-
ning thence south way Deflecting fifty degrees and thirty eight minutes
ee minutes west (50° 38') to the left from said westerly side of said state
en (414) feet to an highway, and running thence north sixty eight degrees
nd approximately eight and twenty nine minutes west (N 68° 29' W) four hundred
erly corner of the old and fifty (450) feet to a point, thence Deflecting eight de-
de of said driveway grees and seventeen minutes (8° 17') to the right and run-
ed forty five minutes ning north sixty degrees and twelve minutes west (N 60° 12' W)
g south fifty four hundred and sixty one (461) feet to a point; thence
(S54° 18' W) approx. Deflecting twelve degrees and ten minutes (12° 10') to the
ine (859) feet (the side right and running north forty eight degrees and two
g with the wall minutes west (N 48° 02' W) three hundred and twenty four
in the property of (324) feet to a point; thence Deflecting four degrees and
the southerly end fourteen minutes (4° 14') to the left and running north
degrees and thirty fifty two degrees and sixteen minutes west (N 52° 16' W) two
d running south hundred and ten (210) feet to a point; thence Deflecting
west (S51° 40' W) ap- eighteen degrees and eleven minutes (18° 11') to the left and
three (243) feet to a running north seventy degrees and twenty seven minutes
g to said J. Sidney west (N 70° 27' W) approximately sixty two (62) feet, to a point
degrees and seven in an opening in the division wall between lands sup-
running south fifteen posed to belong to said Stella D. Smith and Ruth Robbins;
(S15° 33' W) approximately comprising an area of approximately five hundred fifty four

thousandths (0.554) of an acre. (d) II. Second Parcel; in land supposed to belong to Ruth Robbins. Beginning at the last mentioned point in the division wall betw[illegible] lands supposed to belong to Stella D. Smith and Ruth R[illegible]bins; and continuing on said last described course no[illegible] seventy degrees and twenty seven minutes west (N 70° 27' W) approximately two hundred and twenty (220) feet (said cour[illegible] being parallel to and northerly from a wall) to a poin[illegible] thence Deflecting nine degrees and ten minutes (9° 10') t[illegible] the right and running north sixty one degrees and si[illegible]enteen minutes west (N 61° 17' W) one hundred and nin[illegible] (109) feet to a point; thence Deflecting sixteen degrees a[illegible] twenty one minutes (16° 21') to the left and running no[illegible] seventy seven degrees and thirty eight minutes west (N 77° 3[illegible] one hundred and sixty six (166) feet to a point; thence Defl[illegible]ing three degrees and twenty three minutes (3° 23') to [illegible] right and running north seventy four degrees and fifte[illegible] minutes west (N 74° 15' W) three hundred and fifty eig[illegible] (358) feet to a point; thence Deflecting eighteen degrees a[illegible] fifty three minutes (18° 53') to the right and running no[illegible] fifty five degrees and twenty two minutes west (N 55° 2[illegible] one hundred and ninety (190) feet to a point; thence Defle[illegible]ing twenty five degrees and thirteen minutes (25° 13') to [illegible] right and running north thirty degrees and nine min[illegible] west (N 30° 09' W) one hundred and fifty one (151) feet to [illegible] point; thence Deflecting thirty nine degrees and three [illegible]utes (39° 03') to the left and running north seventy dig[illegible] and twelve minutes west (N 70° 12' W) eighty five (85) f[illegible] to a point; thence Deflecting twenty four degrees and [illegible] four minutes (24° 34') to the left and running sou[illegible] eighty five degrees and fourteen minutes west (S 85° 14' [illegible] approximately one hundred and six (106) feet to a poi[illegible] in the division line between lands supposed to bel[illegible] to said Ruth Robbins and Thomas F. Mc Carthy; compri[illegible] an area of six hundred and thirty six thousandths (0[illegible] of an acre. (d) II. Third Parcel; in land supposed [illegible] belong to Thomas F. Mc Carthy. Beginning at the la[illegible] described point in the division line between lands [illegible]posed to belong to Ruth Robbins and Thomas F. Mc Car[illegible] and continuing on the last described course south eig[illegible] five degrees and fourteen minutes west (S 85° 14' W) appr[illegible]mately one hundred and sixty (160) feet to a point [illegible] an opening in the division wall between lands supp[illegible]

to belong to Thomas [illegible] an area of appro[illegible] in acre. (d) II. Fo[illegible] [illegible]ong to Moses Taylor [illegible] an opening in th[illegible] [illegible]posed to belong to [illegible] and continuing w[illegible] eighty five degrees an[illegible] approximately eight (8) [illegible]ly boundary of the [illegible] through land of Mo[illegible] said course runnin[illegible] [illegible] minutes west ([illegible] center line of sa[illegible] [illegible] making therewith [illegible] minutes (97° 05') [illegible] thousandths (0.[illegible] [illegible] Easements hereby [illegible] out, establishing, [illegible]tional water suppl[illegible] [illegible], in the Towns [illegible] connection with a [illegible] water works of [illegible] witness whereof [illegible] its seal to be h[illegible] [illegible]ned in its name [illegible] E. Shattuck an[illegible] [illegible]missioners, hereun[illegible] [illegible] of July 1909. Town [illegible] E. Shattuck, [illegible] [illegible]missioners (Town [illegible] Middlesex [illegible] word over erasure.

Extract F[illegible] [illegible] in case of his abs[illegible] [illegible] hereby authorized a[illegible] [illegible]al estate, all assig[illegible] [illegible] releases of mortga[illegible] [illegible]dent or the Treas[illegible] [illegible]harge of any mort[illegible] [illegible] of the same, an[illegible] [illegible] bank in any [illegible]ty so conveyed,

(d) II. Second Parcel ... Robbins. Beginning ... division wall bet... D. Smith and Ruth ... described course ... nutes west (N.70° 27' ... nty (220) feet (said cou... n a wall) to a poin... ten minutes (9° 10') ... ty one degrees and ... hundred and nin... ting sixteen degrees ... ft and running nor... minutes west (N77° ... a point; thence Defle... minutes (3° 23') to ... ur degrees and fifte... dred and fifty eight ... g eighteen degrees and ... ght and running nor... nutes west (N.55° 22' ... a point; thence Defle... minutes (25° 13') to ... grees and nine minu... fifty one (151) feet to ... degrees and three min... ng north seventy degre...) eighty five (85) feet ... four degrees and thir... nd running south... utes west (S85° 14' W) ... (106) feet to a poin... ls supposed to belong ... F. Mc Carthy; comprising ... ix thousandths (0.63... n land supposed to ... ginning at the last ... between lands sup... Thomas F. Mc Carthy ... ed course south eighty ... st (S85° 14' W) approxi... feet to a point in ... tween lands supposed

belong to Thomas F. Mc Carthy and Moses Taylor; comprising area of approximately seventy three thousandths (0.073) of acre. (d) II. Fourth Parcel; in land supposed to be... g to Moses Taylor. Beginning at the last described point an opening in the division wall between lands sup... id to belong to Thomas F. Mc Carthy and Moses Taylor, continuing upon said last described course south ... ty five degrees and fourteen minutes west (S85° 14' W) ... proximately eight (8) feet to its intersection with the east... y boundary of the right-of-way for pipe line taken ... rough land of Moses Taylor hereinunder "(b) Third Parcel" ... d course running south eighty five degrees and four... n minutes west (S85° 14' W) when produced intersecting ... center line of said pipe line right-of-way at Sta=21+12.4" ... making therewith an angle of ninety seven degrees and ... minutes (97° 05'); comprising an area of approximately ... thousandths (0.004) of an acre. The Lands, Rights ... Easements hereby taken are deemed necessary for lay... out, establishing, operating and maintaining an ad... tional water supply system, to be obtained from Nagog ... nd, in the Towns of Acton and Littleton, Massachusetts ... connection with and in improvement and extension of ... water works of said town of Concord, Massachusetts ... witness whereof the said Town of Concord, has caus... its seal to be hereto affixed, and these Presents to be ... gned in its name and behalf by William Wheeler, ... mer E. Shattuck and Thomas Hollis, its Water and Sewer ... mmissioners, hereunto duly authorized, this twenty first ... y of July 1909. Town of Concord by William Wheeler, ... mer E. Shattuck, Thomas Hollis Its Water and Sewer ... mmissioners (Town Seal)

Middlesex ss. July 28, 1909. 9 h. 50 m. A.M. Recd. & recorded

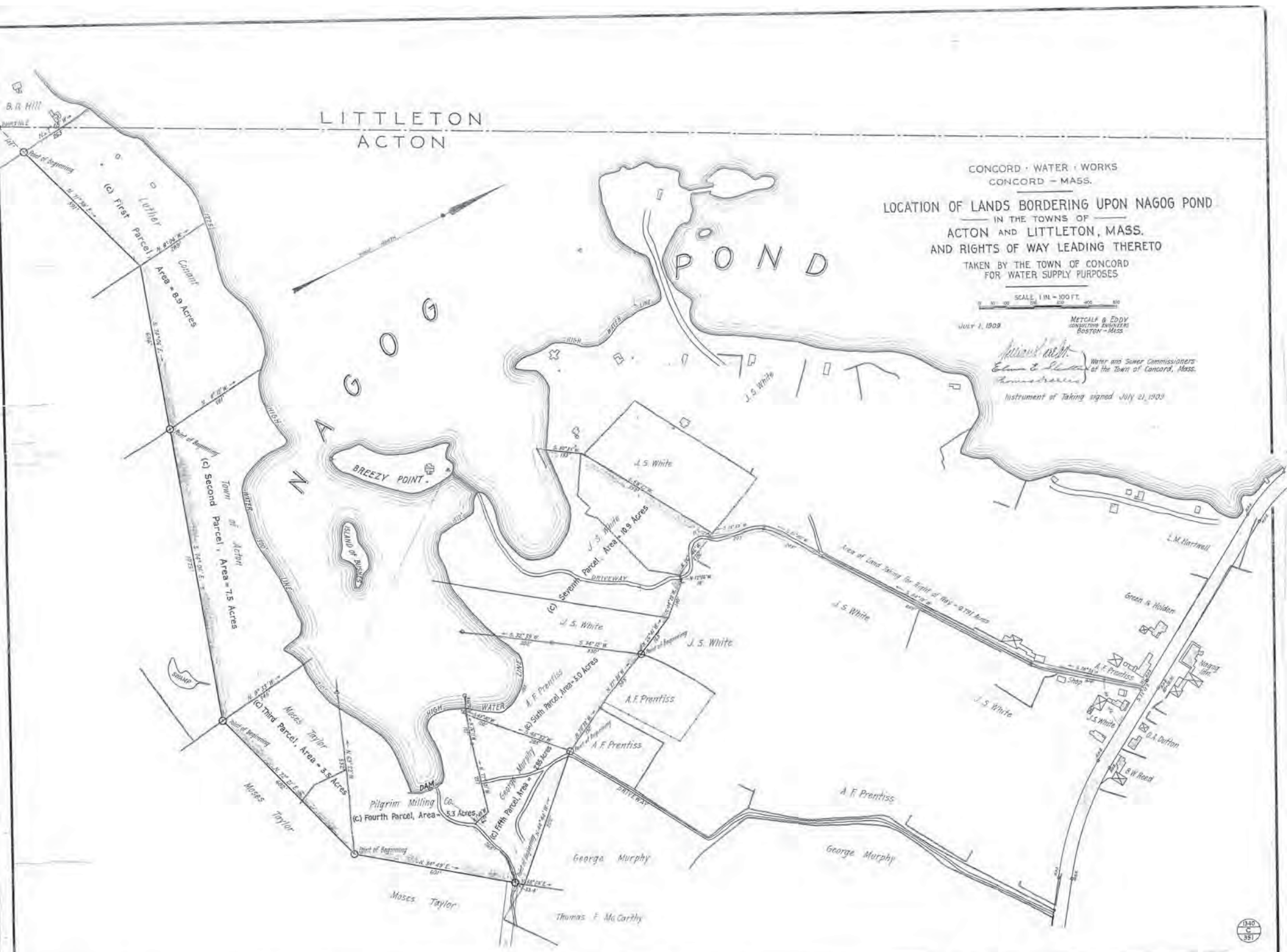
... word over erasure.

Extract From By-Laws. Art. XI. The President ... d in case of his absence or inability to act, the Treasurer, ... hereby authorized and directed to execute all conveyances ... real estate, all assignments of mortgages, and all par... al releases of mortgages held by this bank; and either the ... esident or the Treasurer is hereby authorized to execute a ... charge of any mortgage held by this bank upon pay... ent of the same, and to assign or release the interest ... this bank in any policy of insurance held by it, on ... roperty so conveyed, released, or assigned. A true copy,

Wildey Savs. Bk. Extract from By-Laws.

EXHIBIT

C


CONCORD · WATER · WORKS
CONCORD — MASS.
LOCATION OF LANDS BORDERING UPON NAGOG POND
IN THE TOWNS OF
ACTON AND LITTLETON, MASS.
AND RIGHTS OF WAY LEADING THERETO
TAKEN BY THE TOWN OF CONCORD
FOR WATER SUPPLY PURPOSES
SCALE 1 IN. = 100 FT.
JULY 1, 1909
METCALF & EDDY
CONSULTING ENGINEERS
BOSTON - MASS
Water and Sewer Commissioners of the Town of Concord, Mass.
Instrument of Taking signed July 21, 1909
LITTLETON
ACTON
NAGOG POND
BREEZY POINT
ISLAND OF BUSHES
HIGH WATER LINE
DRIVEWAY
Area of Land Taking for Right of Way = 0.791 Acres
(c) First Parcel, Area = 8.9 Acres
(c) Second Parcel, Area = 7.5 Acres
(c) Third Parcel, Area = 3.5 Acres
(c) Fourth Parcel, Area = 5.3 Acres
(c) Fifth Parcel, Area = 2.85 Acres
(c) Sixth Parcel, Area = 5.0 Acres
(c) Seventh Parcel, Area = 10.9 Acres
Luther Conant
Town of Acton
Moses Taylor
Pilgrim Milling Co.
George Murphy
Thomas F. McCarthy
A. F. Prentiss
J. S. White
L. M. Hartwell
Green & Holden
Nagog Inn
Shop
O. A. Dutton
B. W. Reed
SWAMP
DAM
Point of Beginning
1340
C
351

EXHIBIT

D

Bk: 40019 Pg: 163
Recorded: 07/19/2003
Document: 00000204 Page: 1 of 4

4

RELEASE DEED

The Town of Concord, Massachusetts, a municipal corporation, duly organized by law and having a mailing address c/o Board of Selectman's Office, Town House, 22 Monument Square, Concord, Massachusetts 01742 ("Grantor"),

acting under the approval of the House of Representative of the Commonwealth of Massachusetts pursuant to House Resolution No. 1988, in the year 1999,

for consideration of ONE AND NO/100 ($1.00) DOLLAR

does hereby grant and release without any covenants to **Gloria W. Palmer**, not individually but as Trustee for the Palmer Family Realty Trust, under Declaration of Trust dated December 30, 1991 and recorded with Middlesex South District Registry of Deeds in Book 21936 Page 48, having a mailing address of 352 Great Road, Acton, Massachusetts 01720 ("Grantee")

a certain parcel of land located in ACTON, Middlesex County, Massachusetts consisting of approximately 3.75 acres (the "Premises"), bounded and described as follows:

> Beginning at the Southeasterly corner of the premises at a stone bound in the middle of the Concord Water Works right of way, thence running north 9° 26' West 124.7 feet to a corner of land formerly of Ruth Robbins; thence turning and running South 85° 14' West 163.4 feet to a stake; thence turning and running North 3° 0' West 269.3 feet by land of Thomas F. McCarthy heirs; thence running North 19° 1' West 16 feet; thence running North 40° 42' West 29.2 feet; thence running North 29° 12' West 83.4 feet to a stake, the last three courses being by said land of Thomas F. McCarthy heirs; thence turning and running South 78° 9' West 325.6 feet to a stake by other land of Nelson H. Tenney; thence turning and running by said Tenney land South 11° 51' East 531.5 feet to a stake; thence turning and running by said Tenney land North 78° 9' East 481.5 feet to the point of beginning.
>
> Said premises are shown on Plan Number 526 of 1932, entitled "Plan of Land in Acton Mass" date June 1932 by Leonard C. Robinson, Engineer and recorded September 28, 1932 in Book 5676 Page 332 in the Middlesex Registry of Deeds, Southern District.

With the grant of such property, however, Grantor retains a perpetual right and easement, in common with others to whom the Grantor may grant the same rights from time to time, to use that portion of the Premises shown on said plan and labeled "Concord Water Works – Right of Way." Said area shall be used for all purposes for which streets and ways are now or may hereafter be used in the Town of Acton, including but not limited to access by foot and in motor vehicles and installing and maintaining, replacing, removing and using underground utility lines, including without limitation sewers, drains, water mains, gas pipes, electric lines, telephone lines and cable television lines therein and thereunder, (all of which underground sewers, drains, water mains, gas pipes, electric lights, power and telephone wires and cable television lines shall remain the property of the persons installing the same).

MSD 07/19/03 08:28:31 20 ~~75.00~~ 125

Property: A certain parcel of land in ACTON, Massachusetts, situated on Nagog Brook about one-half mile Southeast of Nagog Pond.

Said premises are hereby conveyed subject to the rights, easements and restrictions of record insofar as now in force and applicable, including the rights and easements set forth in that certain deed from Nelson H. Tenney to the Town of Concord dated July 13, 1933 and recorded at Book 5732, Page 201 in the Middlesex County South Registry of Deeds.

For Grantor's Title see said deed from Nelson H. Tenney to the Town of Concord dated July 13, 1933 and recorded at Book 5732, Page 201 in the Middlesex County South Registry of Deeds, and the Taking dated September 28, 1932 and recorded at Book 5676, Page 331 in the Middlesex County South Registry of Deeds.

No Massachusetts Deed Excise Stamps are attached hereto, pursuant to Massachusetts General Laws Chapter 64D Section 1, because the Grantor is a city or town.

Witness our hands and seals this 16th day of July 2003.

THE TOWN OF CONCORD

By: Richmond T. Edes
Richmond Edes
Chair, Board of Selectmen

By: RECUSED HERSELF FROM VOTE / DECISION
Margaret B. Briggs
Member, Board of Selectmen

By: Ruth C. Lauer
Ruth C. Lauer
Member, Board of Selectmen

By: Joseph P. Lenox
Joseph P. Lenox III
Member, Board of Selectmen

By: Anne D. Shapiro
Anne D. Shapiro
Member, Board of Selectmen

COMMONWEALTH OF MASSACHUSETTS

_____, ss. July 16, 2003

Then personally appeared the above-named Richmond Edes and acknowledged the foregoing instrument to be his free act and deed as Chair of the Board of Selectmen, before me.

Notary Public:
My Commission Expires: 6/20/08

COMMONWEALTH OF MASSACHUSETTS

_____, ss. _____, 2003

Then personally appeared the above-named Margaret B. Briggs and acknowledged the foregoing instrument to be her free act and deed as Member of the Board of Selectmen, before me.

Notary Public:
My Commission Expires:

COMMONWEALTH OF MASSACHUSETTS

_____, ss. July 16, 2003

Then personally appeared the above-named Ruth C. Lauer and acknowledged the foregoing instrument to be her free act and deed as Member of the Board of Selectmen, before me.

Notary Public:
My Commission Expires: 6/20/08

COMMONWEALTH OF MASSACHUSETTS

_____, ss. July 16, 2003

Then personally appeared the above-named Joseph P. Lenox III and acknowledged the foregoing instrument to be his free act and deed as Member of the Board of Selectmen, before me.

Notary Public:
My Commission Expires: 6/20/08

COMMONWEALTH OF MASSACHUSETTS

_____, ss. July 16, 2003

Then personally appeared the above-named Anne D. Shapiro and acknowledged the foregoing instrument to be her free act and deed as Member of the Board of Selectmen, before me.

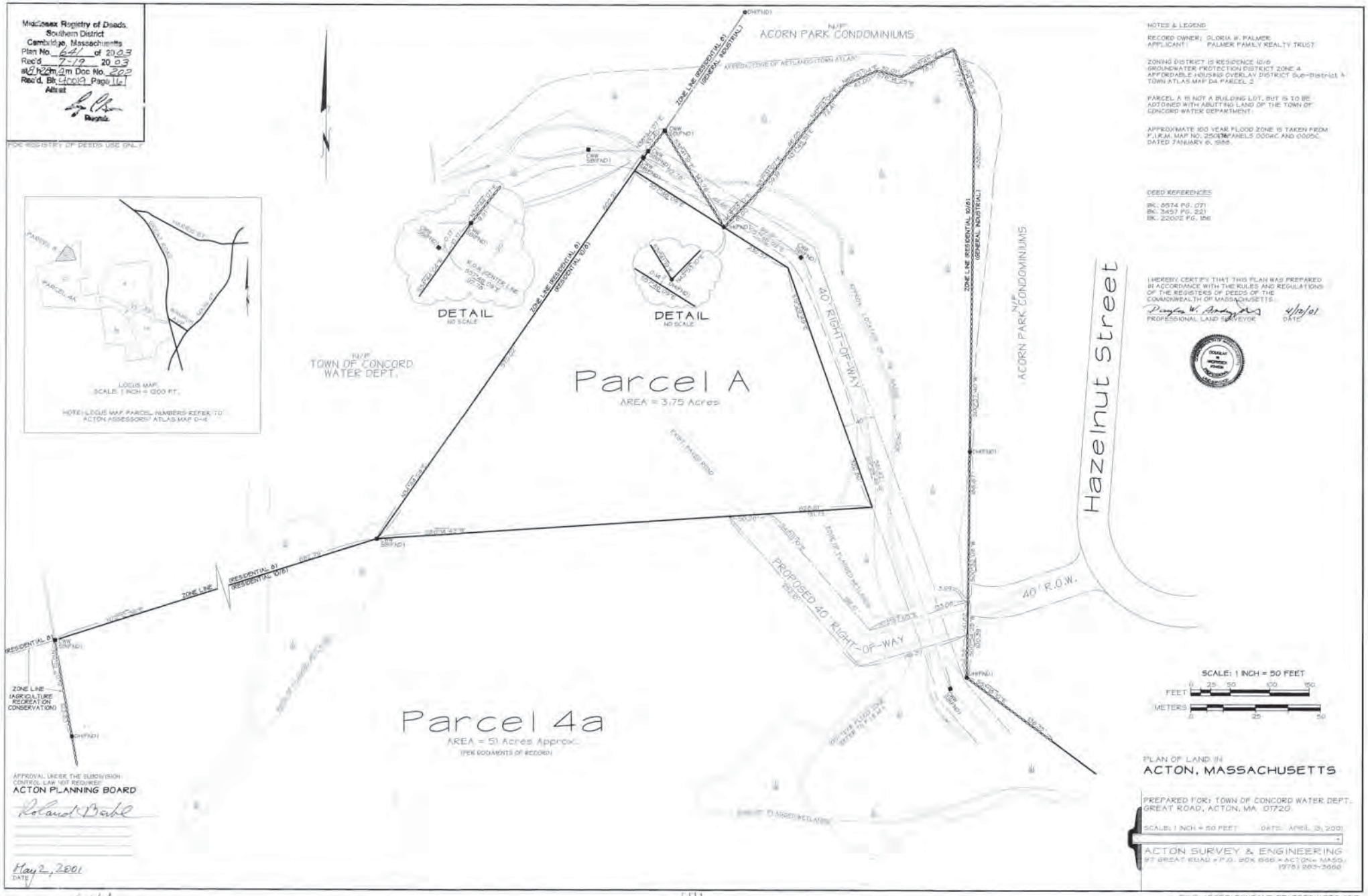
Notary Public:
My Commission Expires: 6/20/08

EXHIBIT

E

Middlesex Registry of Deeds
Southern District
Cambridge, Massachusetts
Plan No. 641 of 2003
Rec'd 7-19 2003
at 8h 24m am Doc No. 202
Rec'd, Bk 40019 Page 161
Attest
Registrar

FOR REGISTRY OF DEEDS USE ONLY



NOTES & LEGEND

RECORD OWNER: GLORIA W. PALMER
APPLICANT: PALMER FAMILY REALTY TRUST

ZONING DISTRICT IS RESIDENCE D/6
GROUNDWATER PROTECTION DISTRICT ZONE 4
AFFORDABLE HOUSING OVERLAY DISTRICT Sub-District A
TOWN ATLAS MAP D4 PARCEL 2

PARCEL A IS NOT A BUILDING LOT, BUT IS TO BE ADDED WITH ABUTTING LAND OF THE TOWN OF CONCORD WATER DEPARTMENT.

APPROXIMATE 100 YEAR FLOOD ZONE IS TAKEN FROM F.I.R.M. MAP NO. 25017C PANELS 0004C AND 0005C DATED JANUARY 6, 1988.

DEED REFERENCES

BK. 6574 PG. 071
BK. 3457 PG. 221
BK. 22002 PG. 156

I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

Douglas W. Andrews
PROFESSIONAL LAND SURVEYOR

4/10/01
DATE

APPROVAL UNDER THE SUBDIVISION CONTROL LAW NOT REQUIRED
ACTON PLANNING BOARD

Roland Bartl

May 2, 2001
DATE

PLAN OF LAND IN
ACTON, MASSACHUSETTS

PREPARED FOR: TOWN OF CONCORD WATER DEPT.
GREAT ROAD, ACTON, MA. 01720

SCALE: 1 INCH = 50 FEET DATE: APRIL 9, 2001

ACTON SURVEY & ENGINEERING
97 GREAT ROAD • P.O. BOX 668 • ACTON, MASS.
(978) 263-3660

641

641

FILE: \5629\CONCANR.2D\COGO\WETS.CRD