



BOARD OF SELECTMEN

NOTICE OF PUBLIC HEARING

Middlesex, ss.

Town of Acton

In accordance with Section 22 of Chapter 82 of the General Laws, notice is hereby given by the Selectmen of the Town of Acton that they will meet at 7:10 PM in Room 204 of the Acton Town Hall, 472 Main Street, on Monday, March 14, 2005 for the purpose of laying out as a town way, for acceptance by the Town at the Annual Town Meeting, the way known as:

In the DUNHAM PARK SUBDIVISION

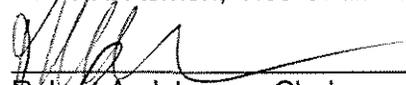
DUNHAM LANE- from the easterly sideline of High Street a distance of 543 feet, more or less, in a generally easterly direction to the end of a T-shaped turnaround, including the turnaround, this being the entire road.



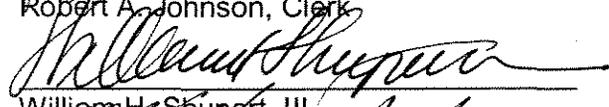
F. Dore Hunter, Chairman



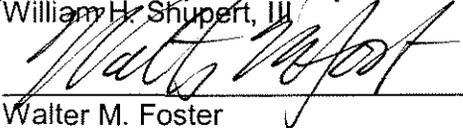
Peter K. Ashton, Vice Chairman



Robert A. Johnson, Clerk

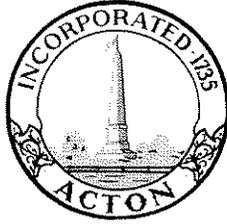


William H. Shupert, III



Walter M. Foster

ACTON BOARD OF SELECTMEN



COPY
BOARD OF SELECTMEN

Middlesex, ss.

March 14, 2005

ORDER OF STREET LAYOUT

WHEREAS, the Board of Selectmen has referred the proposed layout to the Planning Board of the Town of Acton in accordance with Chapter 41, Section 81-I of the General Laws, and said Planning Board has approved the laying out as hereinafter described; and

WHEREAS, the Board of Selectmen has determined and adjudged that common convenience and necessity require that a Town way be laid out in the location hereinafter described; and

WHEREAS, notice of the intention of this Board to lay out said way has been duly given in accordance with the applicable provisions of the General Laws, and other provisions of the law have been complied with; and

WHEREAS, the Board of Selectmen met at the time and place appointed for the hearing.

NOW THEREFORE, it is ordered and adjudged that a Town way for the use of the Town be and is hereby laid out as follows:

In the DUNHAM PARK SUBDIVISION

DUNHAM LANE- from the easterly sideline of High Street a distance of 543 feet, more or less, in a generally easterly direction to the end of a T-shaped turnaround, including the turnaround, this being the entire road.

The description, bounds and location of Dunham Lane are as shown on a plan entitled "Street Acceptance Plan, Dunham Lane, Dunham Park, Acton MA, Prepared for: Bentley Building Corp. Scale 1" = 40', Sheet 1 of 1" Dated September 21, 2004, with a latest revision date of 12/21/04, Prepared by Landtech Consultants, Inc., to be recorded at the Middlesex South District Registry of Deeds, Cambridge Massachusetts (the "Acceptance Plan"); reference is also made to a plan entitled "Definitive Subdivision Plan of Land, Dunham Park, Acton, MA., Prepared for: Bentley Building Corp. Scale: 1"=40', Sheet PL-1" Dated August 18 2000, with a latest revision date of 5/23/01, and prepared by Landtech Consultants, Inc., recorded at the Middlesex South District Registry of Deeds, Cambridge, Massachusetts as Plan Number 827 (2-3) of 2001 ("the Definitive Plan"). Dunham Lane is also shown on a plan entitled "As-Built Plan & Profile, Dunham Lane, Dunham Park, Acton MA., Prepared for Bentley Building Corp." Sheet PP-1 Dated Sept. 28, 2004, with a latest revision date of 12/21/04, and

prepared by Landtech Consultants, Inc. (the "As Built Plan"). Said As Built Plan is on file with the Town of Acton Engineering Department. Dunham Lane is more particularly described as follows:

DUNHAM LANE

Beginning at a granite bound set on the easterly sideline of High Street, said point being a distance of 112.01 feet at S 12° 42' 47" E from the land now or formerly owned by Nancy W. Rader, as shown on the acceptance Plan;

Thence easterly along a curved line to the left with a radius of 25.00 feet, a distance of 39.27 feet to a granite bound set;

Thence N 77° 17' 13" E a distance of 25.00 feet to a granite bound set;

Thence easterly along a curved line to the left with a radius of 520.00 feet, a distance of 181.51 feet to a granite bound set;

Thence N 57° 17' 13" E a distance of 190.00 feet to a granite bound set;

Thence northerly along a curved line to the left with a radius of 25.00 feet, a distance of 39.27 feet to a granite bound set;

Thence N 32° 42' 47" W a distance of 20.00 feet to a granite bound set;

Thence N 57° 17' 13" E a distance of 40.00 feet to a granite bound set;

Thence S 32° 42' 47" E a distance of 20.00 feet to a granite bound set;

Thence southerly along a curved line to the left with a radius of 25.00 feet, a distance of 39.27 feet to a granite bound set;

Thence N 57° 17' 13" E a distance of 25.00 feet to a granite bound set;

Thence S 32° 42' 47" E a distance of 40.00 feet to a granite bound set;

Thence S 57° 17' 13" W a distance of 305.00 feet to a granite bound set;

Thence westerly along a curved line to the right with a radius of 560.00 feet, a distance of 195.48 feet to a granite bound set;

Thence S 77° 17' 13" W a distance of 25.00 feet to a granite bound set;

Thence southerly along a curved line to the left with a radius of 25.00 feet, a distance of 39.27 feet to a granite bound set;

Thence N 12° 42' 47" W by the easterly sideline of High Street a distance of 90.00 feet to the point of beginning.

For title reference to Dunham Lane see deeds to Bentley Building Corporation recorded at the Middlesex South District Registry of Deeds, Cambridge, Massachusetts, in Book 33557, Pages 450 and 453.

EASEMENTS

Dunham Lane is laid out together with certain easements as follows:

Easement No. 1

The perpetual right and easement over, under and upon that portion of Lot 11 being shown as "Drainage Easement 3,605 S.F." on the Definitive Plan. Said easement includes the perpetual right to enter upon the easement area to install, maintain, operate, repair, remove and replace drainage facilities of all types and kinds, including, but not limited to, storm drainage pipes, culverts, manholes, catch basins, slopes, ditches, retention/detention basins and appurtenant structures for the surface and subsurface drainage of storm water.

Easement No. 2

The perpetual right and easement over, under and upon that portion of Parcel A being shown as "Drainage and Utility Easement 12,274 S.F." on the Definitive Plan. Said easement includes the perpetual right to enter upon the easement area to install, maintain, operate, repair, remove and replace drainage facilities of all types and kinds, including, but not limited to, storm drainage pipes, culverts, manholes, catch basins, slopes, ditches, retention/detention basins and appurtenant structures for the surface and subsurface drainage of storm water. Said easement also includes the right to enter upon the easement area to install, maintain, operate, repair, remove and replace wires, cables, poles, pipes, manholes, catchbasins, and appurtenant structures for the provision of public and private utilities, including without limitation, sewer, water, gas, electric, telephone, fire protection, cable television, storm drainage and the like.

Easement No. 3

The perpetual right and easement over, under and upon that portion of Lot 1, being shown as "Proposed 15' Wide Sidewalk Easement 2,103 S.F." on the Acceptance Plan. Said easement includes the perpetual right to enter upon the easement area to install, maintain, operate, repair, remove and replace a public sidewalk and to use said easement area for all purposes that sidewalks are used in the Town of Acton. For title to this easement see "Dunham Park, Declaration of Sidewalk Easement on Lot 1" recorded at the Middlesex South District Registry of Deeds, Cambridge, Massachusetts in Book 44310 Page 386, and Plan recorded as Number 1495 of 2004.

Easement No. 4

The perpetual right and easement over, under and upon that portion of Lot 11, being shown as "Proposed 20' Wide Sidewalk Easement 2,963 S.F." on the Acceptance Plan. Said easement includes the perpetual right to enter upon the easement area to install, maintain, operate, repair, remove and replace a public sidewalk and to use said easement area for all purposes that sidewalks are used in the Town of Acton. For title to this easement see "Dunham Park, Declaration of Sidewalk Easement on Lot 11" recorded at the Middlesex South District Registry of Deeds, Cambridge, Massachusetts in Book 35916 Page 010.

Easement No. 5

The perpetual right and easement over, under and upon that portion of Lot 12, being shown as "Proposed 10' Wide Sidewalk Easement 527 S.F." on the Acceptance Plan (shown as 519 S.F. on the Definitive Plan). Said easement includes the perpetual right to enter upon the easement area to install, maintain, operate, repair, remove and replace a public sidewalk and to use said easement area for all purposes that sidewalks are used in the Town of Acton. For title to this easement see "Grant of Sidewalk Easement" recorded at the Middlesex South District Registry of Deeds, Cambridge, Massachusetts in Book 33557 Page 479.

Easement No. 6

The perpetual right and easement over, under, and upon those portions of Lots 1 – 11 inclusive and, Parcel A, shown as "10 Foot Wide Utility Construction & Slope Easement" on the Acceptance Plan. The easements are parallel to and adjacent to each sideline of Dunham Lane and include the right to enter upon the easement areas for the purpose of grading, re-grading and depositing fill and maintaining slopes necessary for the construction, maintenance and support of Dunham Lane. Said easements also include the right to enter upon the easement areas to install, maintain, operate, repair, remove and replace wires, cables, poles, pipes, manholes, catchbasins, and appurtenant structures for the provision of public and private utilities, including without limitation, sewer, water, gas, electric, telephone, fire protection, cable television, storm drainage and the like.

For title to the easements, see "Declaration of Easements" recorded at the Middlesex South District Registry of Deeds, Cambridge, Massachusetts in Book 33557 Page 473. Without limiting the foregoing, the easements described herein include the right to enter upon said easement area for the purpose of effectuating this layout.

All installation, maintenance, use, repair, replacement and removal hereby authorized shall be done in such a manner as not to interfere unreasonably with the surface or aerial uses of said easement area. Whenever any surface is disturbed by authority of this instrument, it shall be restored with reasonable promptness to substantially its condition prior to such disturbance.

There are specifically excluded from this layout the following private easements shown on the Definitive Plan; (a) the "10' Wide Access and Utility Easement 1,231 S.F." on Lot 11, (b) the "10' Wide Access and Utility Easement 1,220 S.F." on Lot 10, (c) the 20' Wide Access and Utility Easement 6071 S.F." on Lot 8, and (d) the "10' Wide Trail Easement 201 S.F." on Lot 8.

Included in this layout are all trees, roadway improvements and all structures located thereon, including but not limited to structures for the collection of storm drainage and sewerage, but not including wires, cables, poles, towers, pipes, conduits and other appurtenances for the conveyance of gas, electricity, cable television or telephone communication located in or upon Dunham Lane or any of the easements herein described.

At the conclusion of the layout and acceptance of Dunham Lane and the easements described herein, the Town of Acton's maintenance responsibilities will follow standard procedures for Town streets and ways and shall be limited to the improvements located within the street layout and associated with their function as a street, and to any improvements associated with street drainage located within designated utility easements. All private utilities and services located within or outside the street layout or said easements and any private drainage facilities feeding into drainage structures located within the street layout or easements shall not be the responsibility of the Town of Acton.

No betterments are to be assessed and no damages are to be awarded.

This order and plan shall be filed forthwith in the office of the Town Clerk and reported to the Town for acceptance.

Witness our hands and seals this 14th day of March 2005.

BOARD OF SELECTMEN, TOWN OF ACTON

F. Dore Hunter, Chairman

Peter K. Ashton, Vice Chairman

Robert A. Johnson, Clerk

William H. Shupert, III

Walter M. Foster