

Stephen D. Anderson

From: Stephen D. Anderson
Sent: Friday, July 15, 2005 4:17 PM
To: Don P. Johnson (E-mail); John Murray III (E-mail)
Cc: Priscilla Connolly
Subject: Acton/Sewer: Correction Re Whitley Property



Motion-Whitley.doc SupplementalOrder
ForConstructi...

Gentlemen:

As you know, the registrar's office struck 20 Silver Hill Rd from the list of affected properties as it was not reflected on the original Order for Construction dated January 23, 2001, and registered February 15, 2001, as Document Number 116290B. I have attached a Motion and a Supplemental Amended Order of Construction to correct this.

When the Selectmen sign it, please send my paralegal Priscilla Connolly the original to register with the Land Court. Please give a copy to the Assessors since the Supplemental Order effectively re-certifies the property to them for assessment and billing purposes.

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MOTION

Moved: To adopt the Supplemental Amended Order of Construction in the form attached hereto to correct the inadvertent omission from the Middle Fort Pond Brook Sewer District and Betterment Orders the land and property listed as Assessors Map/Parcel I3-64-17, 20 Silver Hill Road, Acton, MA.



COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss

Town of Acton

SUPPLEMENTAL AMENDED ORDER FOR CONSTRUCTION
MIDDLE FORT POND BROOK SEWER SYSTEM

The Board of Selectmen of the Town of Acton, acting as a Board of Sewer Commissioners and acting in pursuance of the provisions of Chapter 83 of the General laws and all acts in addition thereto and in amendment thereof, and of every other power and authority them thereto enabling, at a meeting duly held this eighteenth day of July, 2005, has issued this Supplemental Amended Order with respect to the layout and construction of a common sewer for the Middle Fort Pond Brook area, as shown on a sketch entitled "Town of Acton, Sewer Commissioners, Final Order of Construction, Middle Fort Pond Brook, Sewer Betterment Area" to be recorded herewith all in compliance with the vote taken at the Special Town Meeting held November 15, 1999, as follows:

"Voted that \$3,633,050 is appropriated in addition to the \$11,500,000 appropriated under Article 18 of the Warrant for the 1997 Annual Town Meeting and the \$10,000,000 appropriated under Article 3 of the Warrant for the October 5, 1998 Special Town Meeting for the purpose of financing the construction of sewers and a wastewater treatment facility for the Middle Fort Pond Brook Sewer District, including without limitation all costs thereof as defined in Section 1 of Chapter 29C of the General Laws; that the Treasurer with the approval of the Board of Selectmen is authorized to borrow \$3,633,050 and issue bonds and notes therefore under Chapter 44 of the General Laws and/or Chapter 29C of the General Laws; that the Treasurer with the approval of the Board of Selectmen is authorized to borrow all or a portion of such amount from the Massachusetts Water Pollution Abatement Trust established pursuant to Chapter 29C and in connection therewith to enter into a loan agreement and/or security agreement with the Trust and otherwise to contract with the Trust and the Department of Environmental Protection with respect to such loan and for any federal or state aid available for the project or for the financing thereof; and that the Town Manager is authorized to enter into a Project Regulatory Agreement with the Department of Environmental Protection, to expend all funds available for the project and to take any other action necessary to carry out the project."

This Supplemental Amended Order supplements and amends the prior Orders of Construction of the Middle Fort Pond Brook Sewer Betterment Area (see Instrument Number 27 recorded in the Middlesex South District Registry on February 14, 2001 at Book 32363, Page 77; Instrument Number 259 recorded on February 15, 2001 at Book 32370, Page 507; Document Number 1162908 registered in the Middlesex Land Court Registration Office on February 15, 2001; the Instrument Number 1202 recorded on April 10, 2001, at Book 32657, Page 083; Instrument Number 2005-00037135 recorded on February 24, 2005, at Book 44689, Page 164; and the Instrument recorded on June 14, 2005 at Book 45383, Page 378) to take into account the fact that the property located at and known as 20 Silver Hill Road, Acton, MA, was inadvertently omitted from the list of bettered properties attached to the prior Order of Construction of the Middle Fort Pond Brook Sewer Betterment Area dated January 23, 2001 and registered February 15, 2001 as Document Number 1162908. This property was among the properties on Silver Hill Road intended to be bettered by the Middle Fort Pond Brook Sewer Project, and this property has in fact been bettered by the construction of the public sewer. Accordingly, the Sewer Commissioners hereby amend the prior Orders of Construction, *nunc pro tunc* to January 23, 2001 (the date of the original Order for the construction of the sewer for Silver Hill Road), to include the following parcel in the Sewer District: the land and property listed as Assessors Map/Parcel I3-64-17, Owners Christopher J. and Karen A. Whitley, located at 20 Silver Hill Road, Acton, MA, by deed registered at Book 1256, Page 21. As said property is used as one single family residence, it shall be assessed on the basis of one (1) Sewer Betterment Unit. In the event the property is subdivided in the future, additional sewer privilege fees would apply.

Pursuant to Massachusetts General Law Chapter 80, Section 4, Chapter 83, Sections 14 and 15, Chapter 340 of the Acts of 2000, and the Town of Acton Sewer Assessment By-law (Chapter D, Section 10 of the Town of Acton Bylaws, the "Bylaw") and regulations promulgated pursuant thereto, and all acts in addition thereto and in amendment thereof, and every other power and authority them thereto enabling, the Acton Board of Selectmen acting as the Board of Sewer Commissioners has issued final betterments for the Middle Fort Pond Brook Sewer Betterment Area pursuant to the Order Determining and Certifying Final Sewer Betterment Assessments (For Recorded Land) dated June 6, 2005 and recorded June 14, 2005 in the Middlesex South District Registry of Deeds in Book 45383, Page 382 and the Order Determining and Certifying Final Sewer Betterment Assessments (For Registered Land) dated June 6, 2005 and registered on June 21, 2005 in the registration office of the Middlesex South District Registry of Deeds as Document Number 1377528. The Order Determining and Certifying Final Sewer Betterment Assessments (For Registered Land) dated June 6, 2005 and registered on June 21, 2005 in the registration office of the Middlesex South District Registry of Deeds as Document Number 1377528, is hereby supplemented, amended, adopted, certified and ratified to (a) add 20 Silver Hill Road, Acton, MA, to the list of bettered properties assessed on the basis of one (1) Sewer Betterment Unit in the amount of \$12,311.52, and (b) confirm that the land at 20 Silver Hill Road, Acton, MA, is part of the area which it is expected will receive advantage other than the general advantage of the community from such improvements comprising the area as shown upon the Exhibits to the Orders of

Construction above-referenced, and the schedules thereto annexed and made a part thereof.

And it is further ordered that a copy of this order, attested by the Clerk of the Board, be filed for record in the Registry of Deeds for the Southern District of said County and in the in the Middlesex South Land Court Registration Office as applicable, as a statement of our action in the premises in compliance with the provisions of Section 27 of Chapter 83 of the General Laws.

IN WITNESS WHEREOF, the Board has caused this Supplemental Amended Order to be moved, seconded, approved, and executed at an open meeting duly called and noticed for the purpose on this 18th day of July, 2005.

TOWN OF ACTON, MASSACHUSETTS,
By its Board of Selectmen acting as the
Board of Sewer Commissioners

Peter K. Ashton, Chairman

Walter M. Foster, Vice Chairman

Robert A. Johnson

Lauren Rosenzweig

F. Dore' Hunter, Acting Clerk

ACKNOWLEDGEMENT

COMMONWEALTH OF MASSACHUSETTS
COUNTY OF MIDDLESEX

On this 18th day of July, 2005, before me, the undersigned Notary Public, personally appeared each of the foregoing named members of the Board of Selectmen of the Town of Acton acting as the Board of Sewer Commissioners, proved to me through

satisfactory evidence of identification, which was personal knowledge, to be the persons whose names are signed on the preceding document, and acknowledged to me that each signed it voluntarily for its stated purpose as the foregoing named members of the Board of Selectmen of the Town of Acton, acting as the Board of Sewer Commissioners.

_____ (official signature and seal of notary)

My commission expires _____

The foregoing is a true and accurate record of the action taken by the Acton Board of Selectmen acting as the Board of Sewer Commissioners at a duly noticed public meeting on July 18, 2005.

F. Dore' Hunter, Acting Clerk of the Board

Commonwealth of Massachusetts
Middlesex, ss.

On this 18th day of July, 2005, before me, the undersigned Notary Public, personally appeared F. Dore' Hunter, Acting Clerk of the Acton Board of Selectmen and Board of Assessors, proved to me through satisfactory evidence of identification, which was personal knowledge, to be the person whose name is signed on the preceding document, and acknowledged to me that he signed it voluntarily as an accurate record of the action of the Board of Selectmen acting as the Board of Sewer Commissioners.

_____ (official signature and seal of notary)

My commission expires _____