



CITY OF NEW BEDFORD

JONATHAN F. MITCHELL, MAYOR

July 12, 2018

City Council President Linda Morad
Honorable Members of the City Council
City Hall
133 William Street
New Bedford, MA 02740

Dear Council President Morad and Honorable Members:

I am submitting herewith for your consideration a proposed Order granting an easement from **FLAHERTY DRIVE, LLC**, a Delaware limited liability company having an address of 429 Church Street, New Bedford, MA 02745, (Grantor) to the **City of New Bedford** (Grantee) for the purpose of installation of water lines and fire hydrants over the premises located at Flaherty Drive, New Bedford, Massachusetts.

This easement is granted to the City at the behest of the fire department to ensure fire safety in the industrial park.

Thank you for your assistance in this matter.

Very truly yours,

Jonathan F. Mitchell, Mayor

JFM/mcb

Enc: Proposed Order



CITY OF NEW BEDFORD

CITY COUNCIL

July 19, 2018

Ordered, that the grant of easement from **FLAHERTY DRIVE, LLC**, a Delaware limited liability company having an address of 429 Church Street, New Bedford, MA 02745, (Grantor) to the **City of New Bedford** (Grantee) for the purpose of installation of water lines and hydrants over the premises located at Flaherty Drive, New Bedford, Massachusetts, and being shown as **PROPOSED PARCEL B**, containing 1,948,100 S.F. 44.72 acres, on plan of land entitled "Subdivision Plan PIFMASS Industrial Park Expansion in New Bedford, MA prepared for: Greater New Bedford Industrial Foundation, Flaherty Drive, New Bedford and Dartmouth, MA dated June 7, 2007, Scale: 1" = 100', by John A. Halnon Co., Professional Land Surveying & Consulting, 34 Cross Street, Norton, MA 02766", which plan is recorded with the Bristol County (S.D.) Registry of Deeds in Plan Book 162, Page 66, be and hereby is accepted by the City of New Bedford, Massachusetts.

EASEMENT

KNOW ALL MEN BY THESE PRESENTS THAT, **FLAHERTY DRIVE, LLC**, a Delaware limited liability company having an address of 429 Church Street, New Bedford, MA 02745 (hereinafter called the "GRANTOR") for consideration of One (\$1.00) Dollar paid, grants to the **CITY OF NEW BEDFORD**, a municipal corporation with an address at 133 William Street, New Bedford, Massachusetts 02740 (hereinafter called the "GRANTEE"), with quitclaim covenants, a non-exclusive easement for the purpose of supplying water to the GRANTOR'S property situated in the City of New Bedford, Bristol County, Massachusetts as described in Exhibit "A" attached hereto and incorporated herein by reference (the "Premises") and the perpetual, non-exclusive right of access to the Premises to allow the GRANTEE access to construct, locate, relocate, erect, reconstruct, install, lay, dig-up, operate, maintain, inspect, repair, replace, alter or remove one or more water mains, lines, fire hydrants and any other utility apparatus, equipment and fixtures deemed necessary for the purposes specified above (hereinafter collectively "Utilities") as the GRANTEE may from time to time desire along, upon, across and over that area of the Premises described as follows:

SEE EXHIBIT "B" ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE

The GRANTEE shall further have all other rights and benefits that it deems necessary for the full implementation and use of the rights herein granted, including but not limited to, the right to remove and clear all rocks, trees, brush, limbs, structures and other obstructions which in the opinion of the GRANTEE might interfere with the rights herein granted, and the right to pass along the GRANTOR'S land for all the above purposes.

After any installation, construction or repair has been completed, the surface of the land shall be restored to a condition as good as existed prior to such construction or occupancy.

Reserving to the GRANTOR, their successors and assigns, the right to pass and repass over the land subject to this easement on foot and with vehicles and to use the surface of the land for any purpose which will not endanger the said Utilities or otherwise obstruct the GRANTEE'S use of this easement.

The rights and obligations provided for herein shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, successors, and assigns, and shall run with the land of the GRANTOR.

As used herein, the GRANTOR shall mean and include the GRANTOR and its successors and assigns.

For title of FLAHERTY DRIVE, LLC see deed of PIFMASS, LLC, (formerly known as GNBIF/POLAROID, LLC), dated June 19, 2018 and recorded in the Bristol County (S.D.) Registry of Deeds in Book 12478, Page 302.

IN WITNESS WHEREOF the FLAHERTY DRIVE, LLC has caused its corporate seal to be hereto affixed and these presents to be signed, acknowledged and delivered in its name and behalf by BRIAN JONES, its Manager hereunto duly authorized, this 11th day of July 2018.

GRANTOR:
Flaherty Drive, LLC

Sean P Jones
Witness

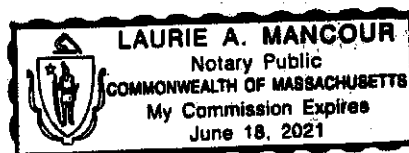
Brian Jones
Brian Jones, Manager &
Authorized Signatory

COMMONWEALTH OF MASSACHUSETTS

Bristol, ss.

On this 11th day of July, 2018, before me, the undersigned notary public, personally appeared BRIAN JONES, whose identity was proved to me through [] personal knowledge [] oath or affirmation of _____ who personally knows the signatory ☒ viewing of the signatory's valid driver's license to be the person whose name is signed on the preceding or attached document, and who swore or affirmed to me that the contents of the document are truthful and accurate to the best of the signatory's knowledge and belief.

Laurie A. Mancour
Notary Public
My Commission Expires: 6/18/21



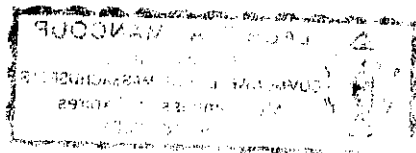


EXHIBIT "A"

RE: Proposed Parcel B, Plan Book 162, Page 66
Flaherty Drive, New Bedford, MA 02745

The vacant land, in New Bedford, Bristol County, Commonwealth of Massachusetts described as follows:

BEING SHOWN as **PROPOSED PARCEL B**, containing 1,948,100 S.F. 44.72 acres, on plan of land entitled "Subdivision Plan PIFMASS Industrial Park Expansion in New Bedford, MA prepared for: Greater New Bedford Industrial Foundation, Flaherty Drive, New Bedford and Dartmouth, MA dated June 7, 2007, Scale: 1" = 100', by John A. Halnon Co., Professional Land Surveying & Consulting, 34 Cross Street, Norton, MA 02766", which plan is recorded with the Bristol County (S.D.) Registry of Deeds in Plan Book 162, Page 66.

Together with the right to pass and repass over Flaherty Drive from Samuel Barnet Boulevard to the above-described premises in both New Bedford and Dartmouth.

EXHIBIT "B"

Being shown as "Proposed 50' Wide (MIN) Access/Water Main
Easement 4,002 AC +/- (174,345 SF +/-)" on Easement Plan entitled

"Water Main Easement Plan

Plumbers Supply Company, Inc.

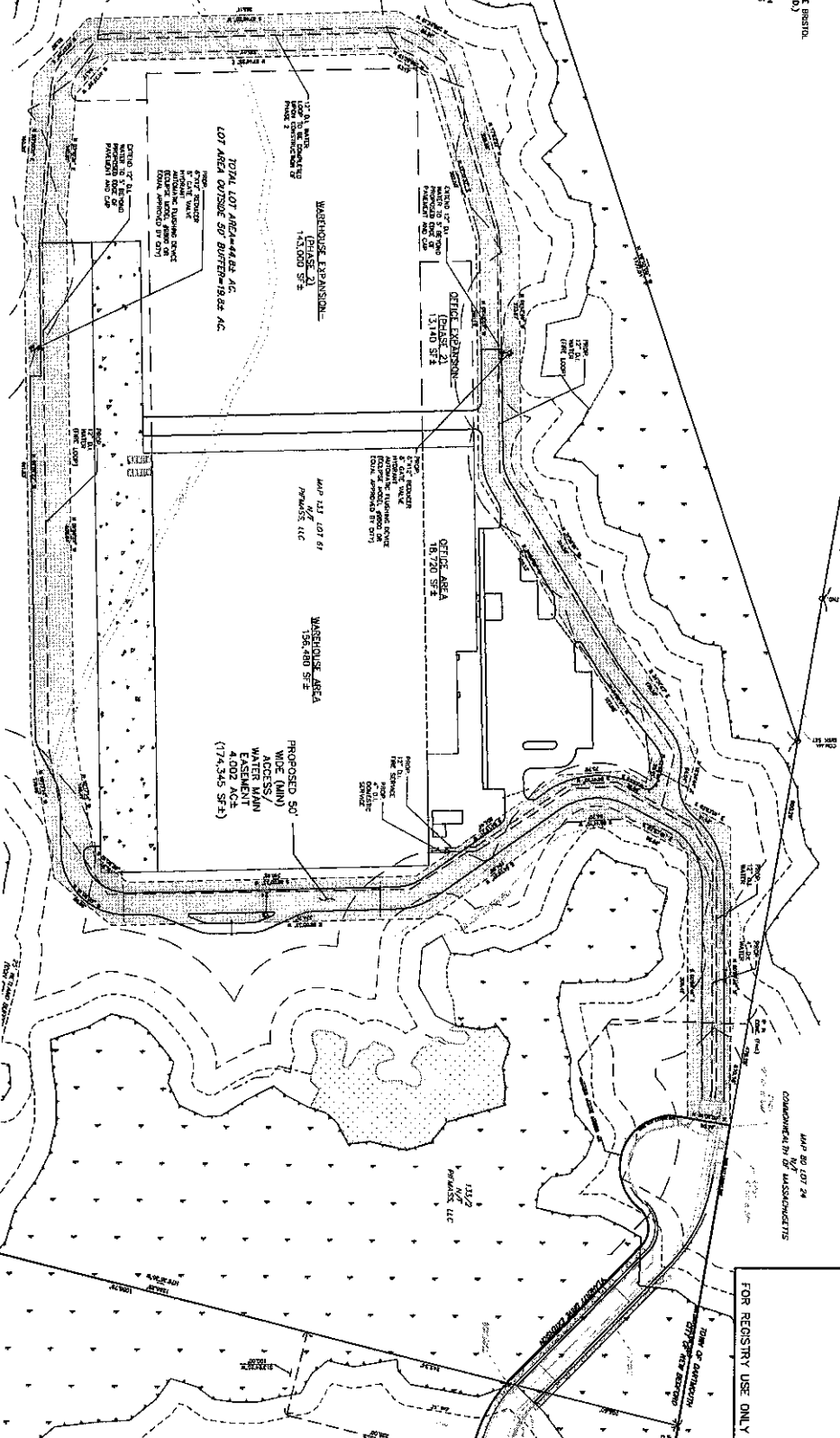
Map 133, Lot 61, Flaherty Drive Extension

New Bedford, Massachusetts"

Field Engineering Co., Inc.

Date 6/7/18, Scale 1"=60'

TOWN OF DARTMOUTH



FOR REGISTRY USE ONLY

DATE _____

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**FIELD
ENGINEERING
CO., INC.**
CONSULTING ENGINEERS

110 INDUSTRIAL DRIVE
P.O. BOX 1175
MATTABESSETT, MA 02726
TEL: (508) 726-2765
FACSIMILE: (508) 464-2646

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RECORD