

February 10, 2021

Council President Joseph P. Lopes. Members of the City Council City Hall 133 William Street New Bedford, MA 02740

Re: Easement from Petrel Properties, LLC to City of New Bedford

Cardinal Street and Ava's Way

Dear Council President Lopes and Honorable Members:

I am submitting herewith for your consideration, a proposed Order authorizing the City of New Bedford to accept an Easement from Petrel Properties, LLC, in substantially the same form as attached hereto. The easement, which is necessary for the layout and acceptance of Cardinal Street and Ava's Way, grants the City of New Bedford the perpetual right and easement to use the subject premises as a public way for all purposes for which public ways are used in said City of New Bedford.

A representative from the Department of Public Infrastructure will be available to answer questions at the February 25/2021/City Council Meeting.

Very truly yours

Jonathan H. Mitchell

Mayor

JFM enc.

cc: Jamie Ponte, DPI Commissioner



# CITY OF NEW BEDFORD

## CITY COUNCIL

February 25, 2021

Ordered that, the City of New Bedford accept an Easement from Petrel Properties. LLC, in substantially the same form as attached hereto, on two parcels of land located on Cardinal Street and Ava's Way in New Bedford, MA., Parcel I (Cardinal Street) is shown on a plan entitled, "PLAN AND PROFILE OF THE LAYOUT OF CARDINAL STREET," prepared by Prime Engineering, Inc., stamped and dated by the P.L.S. on April 29, 2020 and being on file with the City of New Bedford Department of Public Infrastructure, 1105 Shawmut Avenue, New Bedford, Massachusetts; a copy of which will be recorded with the Bristol County S.D. Registry of Deeds. Parcel II – Ava's Way is shown on a plan entitled, "PLAN AND PROFILE OF THE LAYOUT OF AVA'S WAY", prepared by Prime Engineering, Inc., stamped and dated by the P.L.S. on April 29, 2020 and being on file with the City of New Bedford Department of Public Infrastructure, 1105 Shawmut Avenue, New Bedford, Massachusetts; a copy of which will be filed in the Bristol County S.D. Registry of Deeds. The easement, which is necessary for the layout and acceptance of Cardinal Street and Ava's Way, grants the City of New Bedford the perpetual right and easement to use the subject premises as a public way for all purposes for which public ways are used in said City of New Bedford.

#### **EASEMENT**

PETREL PROPERTIES, LLC, a Massachusetts Limited Liability Company, with a place of business at 9 Bayview Avenue in Fairhaven, Bristol County, Commonwealth of Massachusetts, for no consideration paid but as a gift, grants to the CITY OF NEW BEDFORD, a municipal corporation duly existing in Bristol County in the Commonwealth of Massachusetts with offices at 133 William Street, New Bedford, Massachusetts 02740, the perpetual right and easement to use the following described premises as a public way for all purposes for which public ways are used in the City of New Bedford including, without limitation, the right to use, install, repair, maintain and replace said public way and any water, sewer, drainage and electric infrastructure therein upon the land in New Bedford, Bristol County, Massachusetts described as follows:

### Parcel I - (Cardinal Street)

That land in the City of New Bedford, Bristol County, Massachusetts bounded and described as follows:

From a point of beginning, said point being a granite bound with drillhole and being located at the westerly line of Swallow Street and the northwesterly corner of the area to be described;

Thence S 86°14' 35" E, a distance of 30.24', to a point:

Thence S 85°48 '04" E, a distance of 155.65', to a point;

Thence S 04°11' 56" W, a distance of 40.00', to a point;

Thence N 85°48' 04" W, a distance of 160.35', to a point:

Thence N 74°11' 51" W, a distance of 40.15', to a point;

Thence N 10°54' 26" E, a distance of 17.03', to a point;

Thence N 42°50′ 27″ E, a distance of 18.91′, to a point, to a granite bound with drillhole, being the point of beginning.

Having an area of 7,688 square feet, (0.176 acres), more or less, and being shown as "CARDINAL STREET," on a plan entitled, "PLAN AND PROFILE OF THE LAYOUT OF CARDINAL STREET," prepared by Prime Engineering, Inc., stamped and dated by the P.L.S. on April 29, 2020 and being on file with the City of New Bedford Department of Public Infrastructure, 1105 Shawmut Avenue, New Bedford, Massachusetts; a copy of which is filed in the Bristol County S.D. Registry of Deeds of even date herewith.

### Parcel II (Ava's Way)

That land in the City of New Bedford, Bristol County, Massachusetts bounded and described as follows:

From a point of beginning, said point being located S 04°11'56" W, a distance of 40.00' from a granite bound with drillhole at the northeast intersection of Cardinal Street and Ava's Way;

Thence S 04°11'56" W, a distance of 51.55', to a point;

Thence with a curve turning to the left with an arc length of 19.64', with a radius of 20.00', with a central angle of 56°15'04", to a point;

Thence with a reverse curve turning to the right with an arc length of 265.46', with a radius of 52.00', with a central angle of 292°30'07", to a point;

Thence with a reverse curve turning to the left with an arc length of 19.64', with a radius of 20.00', with a central angle of 56°15'04", to a point;

Thence N 04°11'56" E, a distance of 21.55', to a point;

Thence with a curve turning to the left with an arc length of 47.12', with a radius of 30.00', with a central angle of 90°00'00", to a point;

Thence S 85°48'04" E, a distance of 70.00', to the point of beginning.

Having an area of 11,159 square feet, (0.256 acres), more or less, and being shown as "AVA'S WAY", on a plan entitled, "PLAN AND PROFILE OF THE LAYOUT OF AVA'S WAY", prepared by Prime Engineering, Inc., stamped and dated by the P.L.S. on April 29, 2020 and being on file with the City of New Bedford Department of Public Infrastructure, 1105 Shawmut Avenue, New Bedford, Massachusetts; a copy of which is filed in the Bristol County S.D. Registry of Deeds of even date herewith.

Included in this grant is the perpetual right of entry granted unto the Grantee and its agents and servants, to enter upon the areas designated as: (i) Easement 1-A, Easement 1-B and Easement 2-A, on a plan entitled "Plan and Profile of Layout of Cardinal Street", prepared by Prime Engineering, Inc., stamped and dated by the P.L.S. on April 29, 2020 and being on file with the City of New Bedford Department of Public Infrastructure, 1105 Shawmut Avenue, New Bedford, Massachusetts; (ii) Easement 3-A and Easement 4-A shown on a plan entitled "Plan

and Profile of Layout of Ava's Way", prepared by Prime Engineering, Inc., stamped and dated by the P.L.S. on April 29, 2020 and being on file with the City of New Bedford Department of Public Infrastructure, 1105 Shawmut Avenue, New Bedford, Massachusetts a copy of which is filed in the Bristol County S.D. Registry of Deeds of even date herewith; for maintaining and repair of all drainage appurtenances aforesaid utilized in connection with said public ways as Grantee may deem necessary.

For title, see the following instruments recorded in the Bristol County, S.D. Registry of Deeds in Book 13246, Page 345; Book 12933, Page 240; Book 12933, Page 238; Book 12933, Page 236; Book 12933, Page 234; Book 12933, Page 232; Book 12933, Page 230; Book 12933, Page 228; Book 12933, Page 226 and Book 11070, Page 161.

In Witness Whereof, I the undersigned Manager of Petrel Properties, LLC set my hand and seal to this instrument this 9<sup>th</sup> day of February 2021 on behalf and at the direction of the members of Petrel Properties, LLC.

Petrel Properties, LLC

Hugh E. Rowlett, Jr., Manager and

Real Property Signatory

#### COMMONWEALTH OF MASSACHUSETTS

Bristol, ss.

On this 9th day of February 2021, before me, the undersigned notary public, personally appeared the above-named Hugh E. Rowlett, Jr., Manager and Real Property Signatory for Petrel Properties, LLC, proved to me through satisfactory evidence of identification, which was photographic identification with signature issued by a federal or state governmental agency, oath or affirmation of a credible witness, personal knowledge of the undersigned, to be the person whose name is signed on the preceding page, and acknowledged to me that he signed it voluntarily for its stated purpose and was the free act and deed of Petrel Properties, LLC.

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Notary Public: Marc R. Deshaies My commission expires: 10/14/202

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