

VALLIS WAY

RESPONSE to PLANNING BOARD & LCWD

Smith Farm Trail Water Line Easement

The first issue raised is tangentially referenced in paragraph two of the Lynnfield Center Water District (LCWD) letter dated June 23, 2021 and specifically mentioned in paragraph 14 of the Linden Engineering response letter dated September 2 2021. Paragraph 14 reads: "The Applicant's attorney should provide documentation for the legal right to construct the proposed water main connection to Smith Farm Trail and the existing easement should be shown on the plans with the legal reference."

Research has revealed that the original subdivision plan recorded in Plan Book 125 as Plan 29 clearly depicted the 15' wide "water easement" on affected lot 15. In addition, the initial deed of conveyance for lot 15 contains the following language: "The Grantor reserves for himself his successors and assigns, an easement to lay, maintain, repair and replace water pipes and appurtenances in the areas marked " 15' water easement" on said plan (125/29). The next deed in the chain of title, and all subsequent deeds for lot 15 reference an additional plan entitled "Plan of Land in Lynnfield, Mass. showing proposed electric easement and abandonment of existing electric easement" dated October 30, 1974, which plan is recorded in said Deeds in book 6108 page 468 as plan 472 of 1974. As in the case of the original subdivision plan, the 15' water easement is clearly depicted thereon. Thus the water easement was lawfully created by the reservation in the original the deed out for lot 15 Smith Farm Trail and its existence and location are clearly shown on both plans hereinbefore referenced putting each owner on notice of its existence. Therefore, all prior and existing owners of Lot 15 Smith Farm Trail have owned the lot subject to the 15' water easement.

Sometime in December of 1973 the usual Form H-1 "Conveyance of Easements and Utilities" was executed, acknowledged, and delivered by the original Developer to the Lynnfield Planning Board and remains in the Board's file. I have verified with the Registry of Deeds that it will accept such original document for recordation notwithstanding its date of execution.

At the most recent Planning Board public hearing on Vallis Way the Board Director reported Town Counsel had concurred with Attorney Kimball's opinion on this matter as set forth herein.

At a meeting with LCWD Superintendent John Scenna and Peter Ogren on January 31, 2022, Mr. Scenna confirmed the position of the LCWD on the Smith Farm Trail 15' water easement that the 15' water line easement over Smith Farm Trail and Lot 15 is valid and that it is the responsibility of the LCWD to see to the recordation of said Planning Board Form H-1.

In conclusion it is my opinion that the 15' water easement was properly depicted on the applicable recorded plans, properly created, and correctly reserved in the original deed of conveyance for lot 15 Smith Farm Trail.

Feb 7, 2022 Rev.

FORM H-1

CONVEYANCE OF EASEMENTS AND UTILITIES
John A. Kaneb, Trustee of
Pocahontas Realty Trust, of Lynnfield

Essex County, Massachusetts, for consideration paid, grant to the Water District, a municipal corporation in the Town of Lynnfield, Essex County, Massachusetts, with quitclaim covenants, the perpetual rights and easements to construct, inspect, repair, renew, replace, operate and forever maintain, water mains, pipes, hydrants and other appurtenances thereto, and to do all acts incidental thereto, in, through and under the following described land:

Smith's Farm Trail and Green Tee Way (now called Pocahontas Way) shown on plan entitled "Plan of Land in Lynnfield, Mass. Scale 1"=60' July 30, 1972, Hayes Engr. Inc. Melrose, Mass." recorded with Essex South District Registry of Deeds, Plan Book 125, Plan 2

And, for the consideration aforesaid, the said grantor does hereby give, grant, sell, transfer and deliver unto the said grantee and its successors and assigns forever, all water and sewer pipes, manholes, conduits and all appurtenances thereto that are now or hereafter constructed or installed in, through or under the above described land by the grantor and the grantor's successors and assigns.

~~And, the said grantor hereby releases to said grantee and its successors and assigns forever, all rights of tenancy by the curtesy and other interests therein~~

For grantor's title, see deed from John Kaneb, dated December 12, 1972, and recorded in Essex "South District" Registry of Deeds, Book 5933, Page 110.

And Salem Five Cents Savings Bank, a banking corporation in Salem, Essex County, Massachusetts, the present holder of a mortgage on the above described land, which mortgage is dated December 12, 1973, and recorded in said Deeds, Book 5933, Page 123, for consideration paid, hereby releases unto the said grantee and its successors and assigns forever from the operation of said mortgage, the rights and easements hereinabove granted and assents thereto.

IN WITNESS WHEREOF we have hereunto set our hands and seals this 5 day of December, 1973.

POCAHONTAS REALTY TRUST

By John A. Kaneb, Trustee

SALEM FIVE CENTS SAVINGS BANK

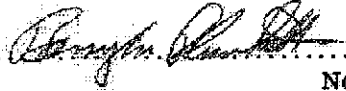
Assistant Vice President
By Thomas M. Leonard

COMMONWEALTH OF MASSACHUSETTS

Essex , SS

December 7, 1973, 1973..

Then personally appeared the above named John A. Kaneb
and acknowledged the foregoing instrument to be his free act
and deed, before me



Notary Public

My commission expires:

BARRY W. PLUNKETTE
Notary Public

My commission expires Oct 18, 1979

John A. Kanab, Trustee of Pocahontas Realty Trust under a Declaration of Trust dated December 12, 1972, recorded with Essex South District Registry of Deeds, Book 5933, Page 102

of Lynnfield Essex County, Massachusetts,

~~XXXX XXXX XXXX~~ for the full consideration of \$15,000.00 paid

grant to Charles B. Wills & Co., Inc., a corporation duly established under the laws of the Commonwealth of Massachusetts and having its usual place of business at 55 Salem Street, Lynnfield

XXX

with quitclaim ~~XXXXXXX~~ a certain parcel of land situated in the Town of Lynnfield, County of Essex, Commonwealth of Massachusetts being shown as Lot 15 on plans of land entitled "Plan of Land in Lynnfield, Mass. Scale 1"=60' Sept. 6, 1973 Hayes Engineering, Inc. Melrose" recorded with said Registry of Deeds, Plan Book 125, Plan 29, bounded and described as follows:

GRANTOR(S) ADDRESS:

- WESTERLY by the sideline of Smiths Farm Trail on a curved line, as shown on said plan, sixty and 49/100 (60.49) feet;
- NORTHWESTERLY and WESTERLY by Lot 16, as shown on said plan, seventy-eight and 49/100 (78.49) feet and one hundred twenty and 19/100 (120.19) feet;
- SOUTHERLY by said Lot 16, as shown on said plan, two hundred fourteen (214.00) feet;
- SOUTHWESTERLY by said Lot 16, as shown on said plan, one hundred forty-eight and 49/100 (148.49) feet;
- NORTHERLY by Sagamore Springs Golf Club, Inc., in 3 courses, as shown on said plan, one hundred (100.00) feet, two hundred thirteen and 64/100 (213.64) feet and sixty-nine and 75/100 (69.75) feet;
- EASTERLY by land now or formerly of Charles P. Vallis & Shirley J. Vallis, as shown on said plan, two hundred seventy-two and 90/100 (272.90) feet;
- SOUTHEASTERLY by Lot 14, as shown on said plan, one hundred thirty-five and 89/100 (135.89) feet.

Containing 45,323 square feet of land, according to said plan.

Said premises are hereby conveyed together with the right to pass and reposs over said Smiths Farm Trail and to make use of same for all purposes for which public ways are commonly used in the Town of Lynnfield in common with others entitled thereto.

The Grantor reserves for himself, his successors and assigns an Easement to lay, maintain, repair and replace water pipes and appurtenances in the areas marked "15' Water Easement" on said plan.

The Grantor reserves for himself, his successors and assigns for the benefit of Lots 16 and 17, as shown on said plan, an Easement to pass and reposs over and to make use of same for all purposes for which public ways are commonly used in the Town of Lynnfield in common with others entitled thereto a strip of land 8' in width between the Northwesternly bound of said Lot 15 being 78.49 feet in length and a line parallel thereto, Southeasterly thereof, and 8' distant therefrom from Smiths Farm Trail to a point opposite the Northeast terminus of said 78.49 foot bound; and a strip of land 8' in width lying between the Westerly bound of said Lot 15 being 120.19 feet in length and a line parallel thereto, Easterly thereof, and 8' distant therefrom for the entire length of said 120.19 foot bound.

X

JJ

BK 6064 PG 783

The Grantor hereby grants to the Grantee an Easement to pass and repass over and to make use of same for all purposes for which public ways are commonly used in the Town of Lynnfield in common with others entitled thereto a strip of land 8' in width between the Southeasterly bound of Lot 16 being 78.49 feet in length and a line parallel thereto, Northwesterly thereof, and 8' distant therefrom from Smiths Farm Trail to a point opposite the Northeast terminus of said 78.49 foot bound; and a strip of land 8' in width between the Easterly bound of Lot 16 being 120.19 feet in length and a line parallel thereto, Westerly thereof, and 8' feet distant therefrom for the entire length of said 120.19 foot bound.

Being a portion of the premises conveyed to the Grantor by deed of John Kaneb dated December 12, 1972, recorded with said Registry of Deeds, Book 5933, Page 110.

Executed as a sealed instrument this

10th

day of

May

1974

PACAHONTAS REALTY TRUST

By John A. Kaneb, Trustee

The Commonwealth of Massachusetts

Essex

ss.

May 10

1974

Then personally appeared the above named John A. Kaneb, Trustee as aforesaid

and acknowledged the foregoing instrument to be

his

free act and deed, before me

Barry W. Plunkett
Notary Public

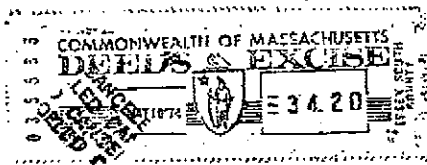
My commission expires

19

BARRY W. PLUNKETT

Notary Public

My commission expires Oct. 18, 1979



ESSEX SS. RECORDED May 19, 1974 10 A.M. EAST P.D.M. INST. #175

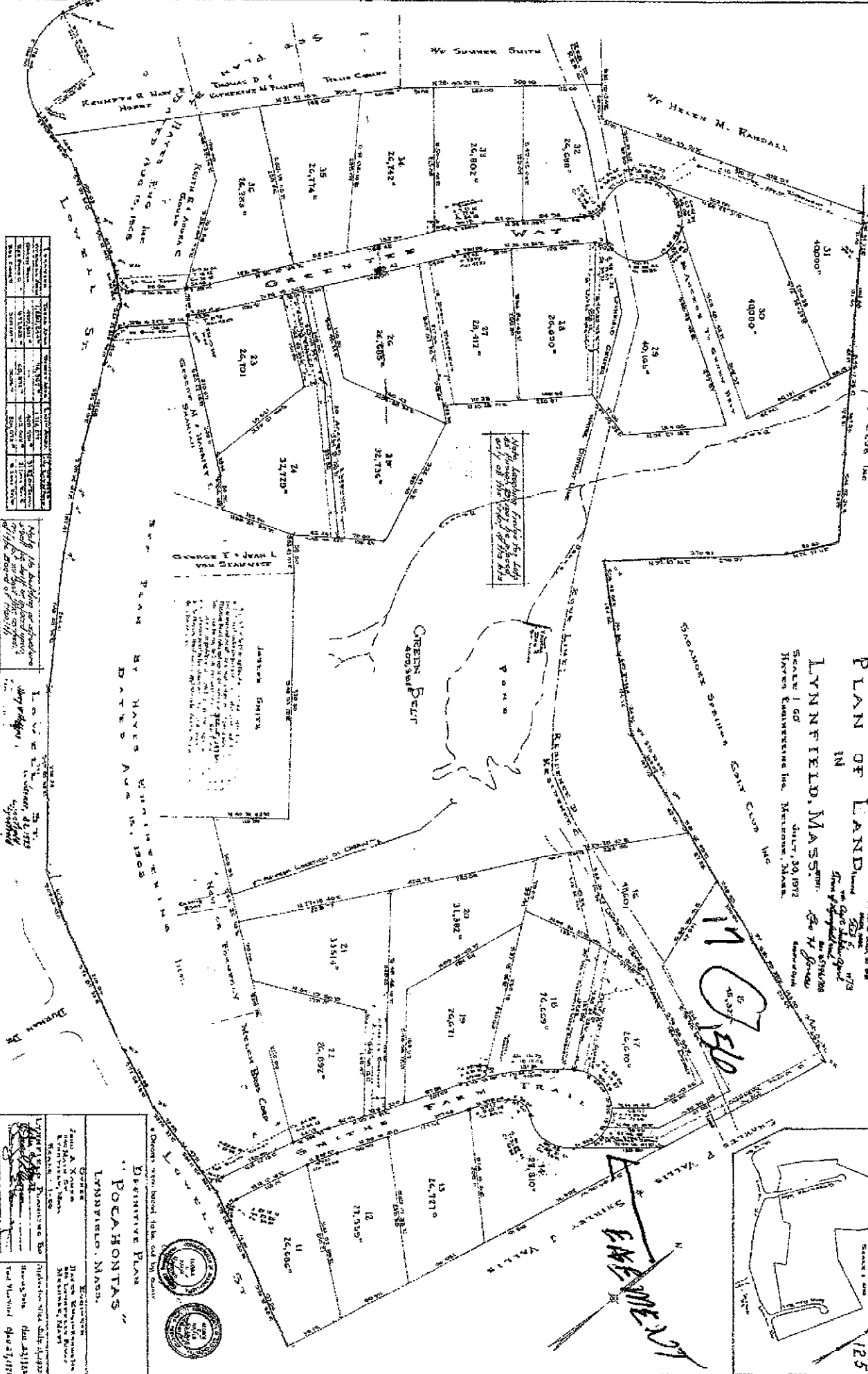
195m 7m Farm

PLAN OF LAND

IN
LYNNFIELD, MASS.

PLAN BOOK 2 SPAN 29
 195m 7m Farm
 125

Scale: 1" = 50'
 Surveyed by: [Name]
 Dated: 1912



Lot No.	Area (Ac.)	Area (Sq. Ft.)
1	0.12	8,300
2	0.15	10,400
3	0.18	12,500
4	0.20	13,900
5	0.22	15,300
6	0.25	17,400
7	0.28	19,500
8	0.30	21,000
9	0.32	22,400
10	0.35	24,700
11	0.38	26,900
12	0.40	28,700
13	0.42	30,200
14	0.45	32,000
15	0.48	34,100
16	0.50	35,700
17	0.52	37,100
18	0.55	39,200
19	0.58	41,300
20	0.60	42,900
21	0.62	44,300
22	0.65	46,400
23	0.68	48,500
24	0.70	50,100
25	0.72	51,500
26	0.75	53,600
27	0.78	55,700
28	0.80	57,300
29	0.82	58,700
30	0.85	60,800
31	0.88	62,900
32	0.90	64,500
33	0.92	65,900
34	0.95	68,000
35	0.98	70,100

Map for building purposes
 of the town of Lynnfield
 Dated 1912

195m 7m Farm
 125

DESIGNATIVE PLAN
 POCAHONTAS
 LYNNFIELD, MASS.

Drawn upon original data and by corner
 1912

Surveyed by: [Name]
 Dated: 1912

Approved: [Name]
 1912

38339-181

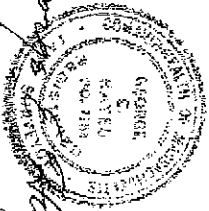
PLAN OF LAND
IN
LYNNFIELD, MASS.

SHOWING PROPOSED ELECTRIC EASEMENT
AND ABANDONMENT OF EXISTING ELECTRIC EASEMENT
SCALE: 1"=50'
OCTOBER 30, 1974
HAYES ENGINEERING INC. MELROSE, MASS.

NOTE: SEE PLAN APPROVED BY LYNNFIELD
PLANNING BOARD DEC 5, 1972

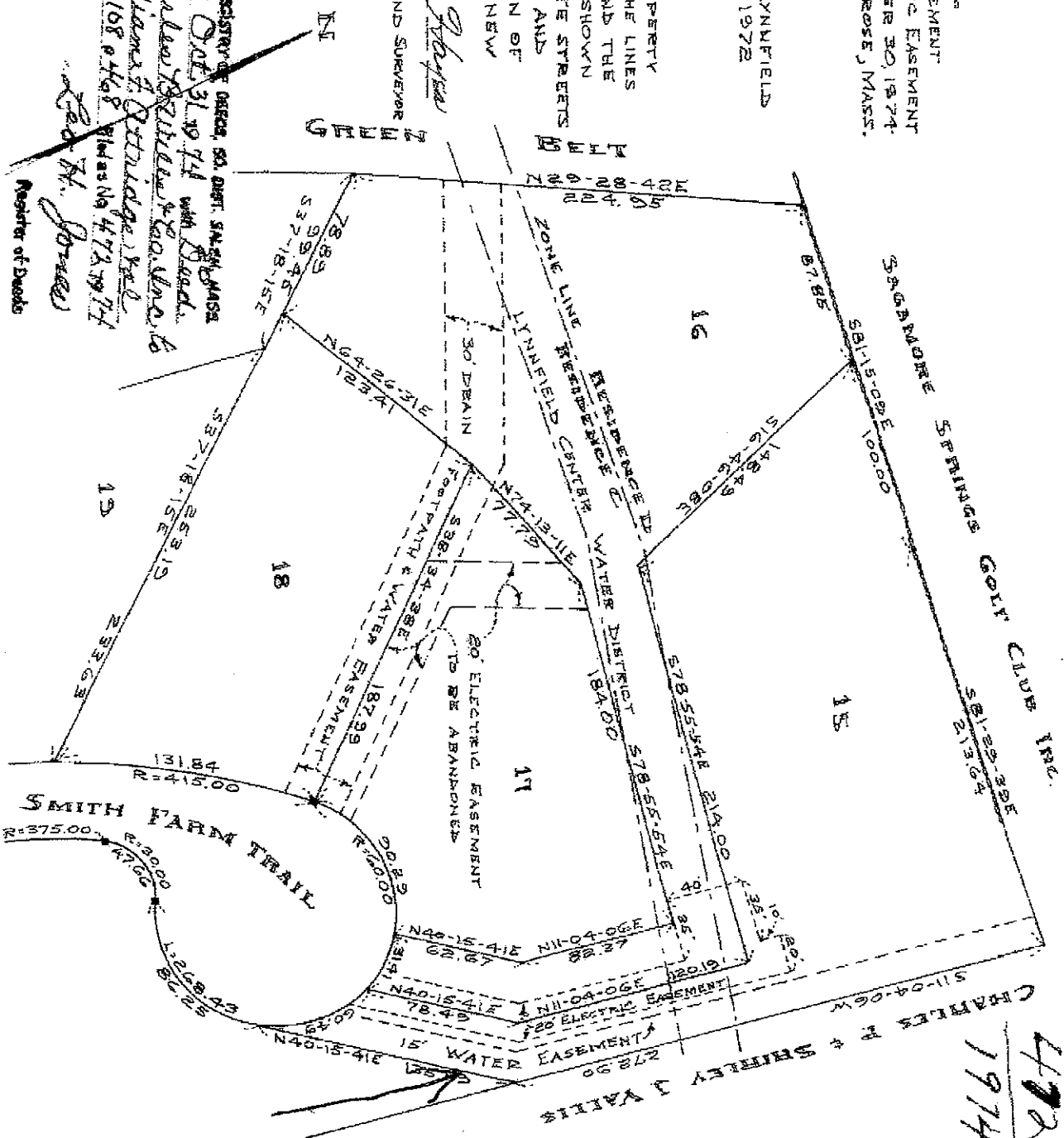
I HEREBY CERTIFY THAT THE PROPERTY
LINES SHOWN ON THIS PLAN ARE THE PROPERTY
DIVIDING EXISTING OWNERSHIPS, AND THE
LINES OF STREETS AND WAYS SHOWN
ARE THOSE OF PUBLIC OR PRIVATE STREETS
OR WAYS ALREADY ESTABLISHED, AND
THAT NO NEW LINES FOR DIVISION OF
EXISTING OWNERSHIP OR FOR NEW
WAYS ARE SHOWN.

REGISTERED LAND SURVEYOR



MASS. REGISTERED OFFICE, 50, DENT ST., 5TH FL., MASS.
RECEIVED OCT 31 1974 with Dead
Charles F. Johnson, Esq. No. 6
William F. Johnson, Esq. No. 6
6108 0468
472, 1974
Attachments

George E. Johnson
Registered of Deeds



472
1974

CHARLES F. & SHIRLEY J. VALLIS