



# *Town of Winchester*

Town Manager's Office  
71 Mt. Vernon Street  
Winchester, MA 01890  
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Board of Selectmen Meeting  
Monday, August 8, 2016

## BUSINESS

Docket Item G - 4: TriCommunity Bikeway Temporary and Permanent Easement  
VOTES

### Supporting Documents:

G - 4: DRAFT Easement documents

Town Engineer will bring originals for the Board's signature.

Action Required: VOTE to authorize temporary and Permanent Easements

**Docket Item:**

**G - 4:**

**August 8, 2016**

**COMMONWEALTH OF MASSACHUSETTS  
TOWN OF WINCHESTER  
BOARD OF SELECTMEN**

**ORDER OF TAKING OF TEMPORARY CONSTRUCTION AND ACCESS  
EASEMENTS AND PERMANENT EASEMENTS FOR THE  
TRI-COMMUNITY BIKEWAY IN WINCHESTER, MASSACHUSETTS**

The Town of Winchester, a Massachusetts municipal corporation whose mailing address is 71 Mount Vernon Street, Winchester, Massachusetts 01890 (the "Town"), acting by and through its Board of Selectmen, by the authority of Massachusetts General Laws Chapters 40 and 79, as amended, and upon the authority of the vote by the Town of Winchester Spring 2014 Town Meeting on Article 10 (attached hereto as Exhibit A) and by virtue of every other power and authority hereto enabling us, having complied with all of the preliminary requirements prescribed by law, do hereby adopt and decree this Order of Taking and, by the right and power of eminent domain, take from the supposed owners of those properties described below non-exclusive, temporary construction and access easement and permanent easements in connection with the construction, use, and enjoyment of the Tri-Community Bikeway.

The properties to which this Order of Taking applies are located on Irving Street, Tufts Road, Cross Street, and Washington Street in Winchester, Massachusetts, and shown on the following plans, a true copy of which is recorded at the Middlesex South Registry of Deeds ("Registry") herewith. A reduced copy of these plans is attached hereto as Exhibit B.

- Plan entitled "Easement Plan of Land – Tri-Community Bikeway – MassDOT Project No. 604652 – Muraco School & Leonard Field – Irving St. to Cross St. – Winchester, Massachusetts", containing four (4) sheets, prepared by Green International Affiliates, Inc., and dated June 10, 2016.
- Plan entitled "Easement Plan of Land – Tri-Community Bikeway – MassDOT Project No. 604652 – Davidson Park & Winchester Hospital – Cross St. to Washington St. – Winchester, Massachusetts", containing three (3) sheets, prepared by Green International Affiliates, Inc., and dated June 10, 2016.

- Plan entitled “Easement Plan of Land – Tri-Community Bikeway – MassDOT Project No. 604652 – Washington St. – Winchester, Massachusetts”, containing one (1) sheet, prepared by Green International Affiliates, Inc., and dated June 10, 2016.

**SECTION I  
PERMANENT EASEMENTS**

The Town and the general public shall hereby acquire the non-exclusive perpetual right to enter upon, travel over, maintain, repair, and use those portions of the property in the permanent easement areas shown on the plans and further described in the table below, hereafter referred to as the “Permanent Easement Areas” for the construction, use, and enjoyment of the Tri-Community Bikeway, a paved recreation path.

<b>Parcel</b>	<b>Assessors ID</b>	<b>Supposed Owner(s)</b>	<b>Address</b>	<b>Area (sf)</b>	<b>Title Reference</b>
X-E-19	Map 12, Lot 167	Winchester Hospital	620 Washington St.	9,771	Book 44580, Page 62
X-E-20	Map 12, Lot 167	Winchester Hospital	620 Washington St.	671	Book 44580, Page 62

Such permanent rights and easements in the Permanent Easement Areas are taken for, by way of illustration and without limitation, the passage of pedestrians, bicyclists, and other non-motorized uses; as well as the permanent construction of pavement, appurtenances, and other improvements associated with the recreational path, including but not limited to grading, landscaping, and compensatory flood storage. The property owner shall not make any improvements to the easement areas materially inconsistent with the allowed purposes described herein.

Any and all soil, earth materials, trees, vegetation, structures, and improvements and/or portions thereof on or within the Permanent Easement Areas are included in this Order of Taking.

**SECTION II  
TEMPORARY EASEMENTS**

The Town and the general public shall hereby acquire the non-exclusive temporary right to enter upon, travel over, and use those portions of the property in the temporary easement areas shown on the plans and further described in the table below, hereafter referred to as the “Temporary Easement Areas”, for the purposes of access to and construction of the Tri-Community Bikeway, a paved recreational path.

Parcel	Assessors ID	Supposed Owner(s)	Address	Area (sf)	Title Reference
X-TE-27	Map 11, Lot 168	Jeffrey S. and Susan M. Siegel	63 Irving Street	37	Book 27118, Page 240
X-TE-29	Map 11, Lot 208	Helen Louise and Paul W. Curran	36 Tufts Road	289	Book 26818, Page 58
X-TE-32	Map 11, Lot 209	David M. and Kristin L. Taylor	37 Tufts Road	94	Book 28805, Page 111
X-TE-35	Map 11, Lot 257	Cross Street LLC	50 Cross Street	95	Book 30107, Page 594
X-TE-43	Map 12, Lot 167	Winchester Hospital	620 Washington Street	13,915	Book 44580, Page 62
X-TE-44	Map 12, Lot 168	Catholic Cemetery Association of the Archdiocese of Boston, Inc.	Washington Street	648	Book 1282, Page 148
X-TE-45	Map 12, Lot 169	Mark E. and Lori Stachelski	700 Washington Street	865	Book 53651, Page 518
X-TE-46	Map 12, Lot 186	Benoit and Corinne Denis	704 Washington Street	965	Book 43110, Page 370
X-TE-47	Map 12, Lot 179	James A. and Mizue M. Krygowski	710 Washington Street	662	Book 49623, Page 322
X-TE-48	Map 12, Lot 170	Javier and Victoria Garcia-Albea	720 Washington Street	1,130	Book 62143, Page 187

Such temporary rights and easements in the Temporary Easement Areas are taken for by way of illustration and without limitation, (a) excavating, clearing, filling, grading, re-grading, landscaping, maintaining and restoration of the Temporary Easement Areas, (b) entering upon and travel over the Temporary Easement Areas by foot and by vehicle, including but not limited to placing, moving, and using construction vehicles, equipment and materials, and (c) removing any earth, materials, improvements, trees, vegetation, and any structures, fixtures, obstructions, or other improvements now or hereafter located at, on, or under the Temporary Easement Areas.

The temporary easements acquired pursuant to this Order of Taking shall expire three (3) years from the date that the instrument is recorded at the Middlesex South Registry of Deeds.

The Temporary Easement Areas shall remain the property of their owners and may be used by them and their successors, heirs, and assigns, for any lawful purpose not inconsistent with the use of the Temporary Easement Areas for the purposes set forth in this Order of Taking. Any and all soil, earth materials, trees, vegetation, structures and improvements and/or portions thereof on or within the Temporary Easement Areas are included in this Order of Taking.

The damages sustained by the property owners listed above by reason of the taking are valued and awarded in a resolution of even date adopted by the Winchester Board of Selectmen in accordance with Massachusetts General Law Chapter 79, as amended.

The names of the owners herein given, although supposed to be correct, are such only as matters of opinion and belief.

We hereby direct this Order of Taking to be filed with the Registry within the time required by law and with the Town Clerk, and that notice be given to the affected property owners whose property has been taken on account of this Order of Taking. The property owners shall be notified of the time within which they may petition the Superior Court to determine his or her damages in accordance with the provisions of M.G.L., Chapter 79.

In the event that any provision of this Order of Taking is deemed by a court of competent jurisdiction to be invalid, illegal, or unenforceable, the remainder of this Order of Taking shall be valid and enforceable to the fullest extent permitted by law.

[SIGNATURE PAGE TO IMMEDIATELY FOLLOW]

EXECUTED as a sealed instrument as of this \_\_\_\_\_ day of August, 2016.

TOWN OF WINCHESTER,  
By its Board of Selectmen:

\_\_\_\_\_  
Lance R. Grenzeback, Chairman

\_\_\_\_\_  
E. James Whitehead, Vice Chairman

\_\_\_\_\_  
Stephen L. Powers

\_\_\_\_\_  
Michael Bettencourt

\_\_\_\_\_  
David Errico

**COMMONWEALTH OF MASSACHUSETTS**

Middlesex, ss.

On this \_\_\_\_\_ day of \_\_\_\_\_, 2016, personally appeared Lance R. Grenzeback, E. James Whitehead, Stephen L. Powers, Michael Bettencourt, and David Errico, known to be members of the Winchester Board of Selectmen and acknowledged the foregoing instrument to be their free act and deed, and the free act and deed of the Board of Selectmen and of the Town of Winchester.

\_\_\_\_\_  
Notary Public  
My commission expires:

**EXHIBIT A**

Town Clerk Certified Copy of the 2014 Spring Town Meeting Vote on Article 10

**EXHIBIT B**

Reduced Copy of Easement Plans

**COMMONWEALTH OF MASSACHUSETTS  
TOWN OF WINCHESTER  
BOARD OF SELECTMEN**

**RESOLUTION REGARDING DAMAGE AWARD FOR ORDER OF TAKING OF  
TEMPORARY CONSTRUCTION AND ACCESS EASEMENTS AND PERMANENT  
EASEMENTS FOR THE TRI-COMMUNITY BIKEWAY IN WINCHESTER,  
MASSACHUSETTS**

WHEREAS, the Board of Selectmen of the Town of Winchester has this day determined that pursuant to Massachusetts General Laws Chapter 40 and 79, as amended, and upon the authority of the vote by the Town of Winchester Spring 2014 Town Meeting on Article 10 that the taking by eminent domain of temporary construction and access easements and permanent easements at those parcels of land in Winchester, Massachusetts described in the Order of Taking executed herewith for the purposes of the construction, use, and enjoyment of the Tri-Community Bikeway, a paved recreational path.

WHEREAS, the Board has this day approved such Orders of Taking pursuant to Massachusetts General Law Chapter 40 and Chapter 79, as amended, for the taking of such temporary and permanent easements.

WHEREAS, each of the owners of the parcels have been offered just compensation for the taking of these temporary and permanent easements in accordance with the requirements of Chapter 79 and the Uniform Relocation and Assistance Act of 1970, both as amended.

BE IT NOW THEREFORE RESOLVED, that the sums listed below, if any, are awarded as damages for the taking of the parcels as described in the Order, and paid to or divided among the claimant or claimants producing evidence to the Board's satisfaction of an ownership interest in the parcels, unless otherwise waived by the claimant(s); and

FURTHER RESOLVED, that if any party named herein as an owner of any parcel(s) that is not a true owner of said parcel(s), then the award, if any, is made only to the true owner; and

FURTHER RESOLVED, that the Treasurer of the Town of Winchester is hereby authorized and directed to immediately issue checks to the supposed property owner in the amount(s) authorized below for the Damage Award. The property owners shall be notified of the time within which they may petition the Superior Court to determine his or her damages in accordance with the provisions of M.G.L, Chapter 79; and

FURTHER RESOLVED, that the Town reserves the right to withhold any payment from any claimant(s) who cannot establish ownership of the whole title to any parcel(s) to the Town's satisfaction, or to impose additional conditions prior to a partial payment. Prior to the release of the payment, the claimant(s) must complete and return IRS Form W-9: Request for Taxpayer Identification Number and Certification to the Treasurer of the Town of Winchester.

**PERMANENT EASEMENTS**

<b>Parcel</b>	<b>Assessors ID</b>	<b>Supposed Owner(s)</b>	<b>Address/ Location</b>	<b>Area (sf)</b>	<b>Title Reference</b>	<b>Damage Award</b>
X-E-19	Map 12, Lot 167	Winchester Hospital	620 Washington St.	9,771	Book 44580, Page 62	\$20,000
X-E-20	Map 12, Lot 167	Winchester Hospital	620 Washington St.	671	Book 44580, Page 62	\$1,500

**TEMPORARY EASEMENTS**

<b>Parcel</b>	<b>Assessors ID</b>	<b>Supposed Owner(s)</b>	<b>Address</b>	<b>Area (sf)</b>	<b>Title Reference</b>	<b>Damage Award</b>
X-TE-27	Map 11, Lot 168	Jeffrey S. and Susan M. Siegel	63 Irving Street	37	Book 27118, Page 240	\$1,500
X-TE-29	Map 11, Lot 208	Helen Louise and Paul W. Curran	36 Tufts Road	289	Book 26818, Page 58	\$6,100
X-TE-32	Map 11, Lot 209	David M. and Kristin L. Taylor	37 Tufts Road	94	Book 28805, Page 111	\$1,700
X-TE-35	Map 11, Lot 257	Cross Street LLC	50 Cross Street	95	Book 30107, Page 594	\$1,500
X-TE-43	Map 12, Lot 167	Winchester Hospital	620 Washington Street	13,915	Book 44580, Page 62	\$8,000
X-TE-44	Map 12, Lot 168	Catholic Cemetery Association of the Archdiocese of Boston, Inc.	Washington Street	648	Book 1282, Page 148	\$1,500
X-TE-45	Map 12, Lot 169	Mark E. and Lori Stachelski	700 Washington Street	865	Book 53651, Page 518	\$11,600
X-TE-46	Map 12, Lot 186	Benoit and Corinne Denis	704 Washington Street	965	Book 43110, Page 370	\$13,000
X-TE-47	Map 12, Lot 179	James A. and Mizue M. Krygowski	710 Washington Street	662	Book 49623, Page 322	\$12,710
X-TE-48	Map 12, Lot 170	Javier and Victoria Garcia-Albea	720 Washington Street	1,130	Book 62143, Page 187	\$18,000

ADOPTED as a sealed instrument as of this \_\_\_\_\_ day of August, 2016.

TOWN OF WINCHESTER,  
By its Board of Selectmen:

\_\_\_\_\_  
Lance R. Grenzeback, Chairman

\_\_\_\_\_  
E. James Whitehead, Vice Chairman

\_\_\_\_\_  
Stephen L. Powers

\_\_\_\_\_  
Michael Bettencourt

\_\_\_\_\_  
David Errico

**COMMONWEALTH OF MASSACHUSETTS**

Middlesex, ss.

On this \_\_\_\_\_ day of \_\_\_\_\_, 2016, personally appeared Lance R. Grenzeback, E. James Whitehead, Stephen L. Powers, Michael Bettencourt, and David Errico, known to be members of the Winchester Board of Selectmen and acknowledged the foregoing instrument to be their free act and deed, and the free act and deed of the Board of Selectmen and of the Town of Winchester.

\_\_\_\_\_  
Notary Public  
My commission expires:

[Original to be filed with minutes of the Town of Winchester Town Clerk]

**COMMONWEALTH OF MASSACHUSETTS  
TOWN OF WINCHESTER  
BOARD OF SELECTMEN**

**ORDER OF TAKING OF PUBLIC LAND IN WINCHESTER, MASSACHUSETTS FOR  
TEMPORARY CONSTRUCTION AND ACCESS EASEMENT AND  
PERMANENT EASEMENTS FOR THE TRI-COMMUNITY BIKEWAY**

The Town of Winchester, a Massachusetts municipal corporation whose mailing address is 71 Mount Vernon Street, Winchester, Massachusetts 01890 (the "Town"), as the owner of certain Town property further described below, acting by and through its Board of Selectmen upon the authority of the vote by the Town of Winchester 2014 Spring Town Meeting on Article 10, attached hereto as Exhibit A, and by virtue of every other power and authority hereto enabling us, do hereby adopt and decree this Order of Taking of the town-owned parcels described below for temporary construction purposes and permanent public access in connection with the construction, use, and enjoyment of the Tri-Community Bikeway.

The portions of the Town-owned property to which this Order of Taking applies are shown on the following plans, a true copy of which is recorded at the Middlesex South Registry of Deeds ("Registry") herewith. A reduced copy of the plans is attached hereto as Exhibit B.

- Plan entitled "Easement Plan of Land – Tri-Community Bikeway – MassDOT Project No. 604652 – Mystic Valley Parkway at Waterfield Road – Winchester, Massachusetts", containing two (2) sheets, prepared by Green International Affiliates, Inc., and dated June 10, 2016.
- Plan entitled "Easement Plan of Land – Tri-Community Bikeway – MassDOT Project No. 604652 – Mount Vernon Street & Skillings Road – Winchester, Massachusetts", containing one (1) sheet, prepared by Green International Affiliates, Inc., and dated June 10, 2016.
- Plan entitled "Easement Plan of Land – Tri-Community Bikeway – MassDOT Project No. 604652 – Horn Pond Brook Road at Lake Street – Winchester, Massachusetts", containing three (3) sheets, prepared by Green International Affiliates, Inc., and dated June 10, 2016.

- Plan entitled “Easement Plan of Land – Tri-Community Bikeway – MassDOT Project No. 604652 – Muraco School & Leonard Field – Irving St. to Cross St. – Winchester, Massachusetts”, containing four (4) sheets, prepared by Green International Affiliates, Inc., and dated June 10, 2016.
- Plan entitled “Easement Plan of Land – Tri-Community Bikeway – MassDOT Project No. 604652 – Davidson Park & Winchester Hospital – Cross St. to Washington St. – Winchester, Massachusetts”, containing three (3) sheets, prepared by Green International Affiliates, Inc., and dated June 10, 2016.
- Plan entitled “Easement Plan of Land – Tri-Community Bikeway – MassDOT Project No. 604652 – Washington St. at Sunset Rd. – Winchester, Massachusetts”, containing one (1) sheet, prepared by Green International Affiliates, Inc., and dated June 10, 2016.

**SECTION I  
PERMANENT EASEMENTS**

The Town and the general public shall have the non-exclusive perpetual right to enter upon, travel over, maintain, repair and use those portions of the Town property in the permanent easement areas shown on the plan and further described in the table below, hereafter referred to as the “Permanent Easement Areas” for the construction, use, and enjoyment of the Tri-Community Bikeway, a paved recreation path.

<b>Parcel</b>	<b>Assessors ID</b>	<b>Address/ Location</b>	<b>Area (sf)</b>	<b>Title Reference</b>
X-E-3	Map 9, Lot 289	Corner of Waterfield Road	9,615	N/A
X-E-5	Map 9, Lot 237	Between Mount Vernon Street and Skillings Road	2,877	Book 3654, Page 183
X-E-6	Map 9, Lot 237	Between Mount Vernon Street and Skillings Road	3,269	Cert. No. 22285
X-E-7	Map 9, Lot 237	Between Mount Vernon Street and Skillings Road	4,379	Book 3654, Page 183
X-E-8	Map 9, Lot 89	Corner of Lake Street	2,169	Book 5348, Page 54
X-E-9	Map 9, Lot 88	Corner of Lake Street	7,153	Book 3048, Page 35
X-E-10	Map 15, Lot 54	Between Lake Street and Horn Pond Brook Road	5,848	Cert. No. 44549
X-E-14	Map 11, Lot 254	Between Tufts Road and Cross Street	12,077	Cert. No. 34807

<b>Parcel</b>	<b>Assessors ID</b>	<b>Address/ Location</b>	<b>Area (sf)</b>	<b>Title Reference</b>
X-E-15	Map 11, Lot 270	Between Tufts Road and Cross Street	715	Book 11614, Page 602
X-E-16	Map 11, Lot 254	Between Tufts Road and Cross Street	9,395	Book 5652, Page 523
X-E-17	Map 12, Lot 44	Off of Cross Street (Davidson Park)	22,609	Book 5512, Page 382
X-E-18	Map 12, Lot 44	Off of Washington Street	3,812	Cert. No. 61845
X-E-21	Map 1, Lot 6	Off of Washington Street	18,440	Cert. No. 37362 & 37373

Such permanent rights and easements in the Permanent Easement Areas are taken for, by way of illustration and without limitation, passage of pedestrians, bicyclists, and other non-motorized uses; as well as pavement, appurtenances, and other improvements associated with the recreational path, including but not limited to grading, landscaping, and compensatory flood storage. The Town shall not make any improvements to the easement areas materially inconsistent with the allowed purposes described herein.

The Town, its heirs, successors, and assigns shall use its reasonable efforts not to disturb the Permanent Easement Areas. All of the provisions, agreements, easements, rights, conditions, and covenants contained in this Order of Taking shall be binding upon the Town and their respective heirs, successors, assigns, representatives. The Permanent Easement Areas created by the Order of Taking is appurtenant to the Town-owned property and all of the provisions of this Order shall constitute equitable servitudes and be covenants running with the land pursuant to applicable law.

## SECTION II TEMPORARY EASEMENTS

The Town and general public shall have the non-exclusive temporary right to enter upon, travel over, and use those portions of the Town property in the temporary easement areas shown on the plans and further described in the table below, hereafter referred to as the "Temporary Easement Areas", for the purposes of access to and construction of the Tri-Community Bikeway, a paved recreational path.

<b>Parcel</b>	<b>Assessors ID</b>	<b>Address/Location</b>	<b>Area (sf)</b>	<b>Title Reference</b>
X-TE-5	Map 9, Lot 289	Corner of Waterfield Road	13,758	N/A
X-TE-6	Map 9, Lot 289	Corner of Waterfield Road	4,713	N/A

<b>Parcel</b>	<b>Assessors ID</b>	<b>Address/Location</b>	<b>Area (sf)</b>	<b>Title Reference</b>
X-TE-7	Map 9, Lot 237	Between Mount Vernon Street and Skillings Road	2,154	Book 3654, Page 183
X-TE-8	Map 9, Lot 237	Between Mount Vernon Street and Skillings Road	2,386	Book 3654, Page 183
X-TE-9	Map 9, Lot 237	Between Mount Vernon Street and Skillings Road	1,981	Cert. No. 22285
X-TE-10	Map 9, Lot 237	Between Mount Vernon Street and Skillings Road	2,245	Cert. No. 22285
X-TE-11	Map 9, Lot 237	Between Mount Vernon Street and Skillings Road	2,948	Book 3654, Page 183
X-TE-12	Map 9, Lot 237	Between Mount Vernon Street and Skillings Road	2,473	Book 3654, Page 183
X-TE-15	Map 9, Lot 89	Corner of Lake Street	402	Book 5348, Page 54
X-TE-16	Map 9, Lot 89	Corner of Lake Street	1,003	Book 5348, Page 54
X-TE-17	Map 9, Lot 88	Corner of Lake Street	29	Book 3048, Page 35
X-TE-18	Map 9, Lot 88	Between Lake Street and Horn Pond Brook Road	1,866	Book 3048, Page 35
X-TE-19	Map 9, Lot 88	Between Lake Street and Horn Pond Brook Road	3,130	Book 3048, Page 35
X-TE-20	Map 15, Lot 54	Between Lake Street and Horn Pond Brook Road	2,238	N/A
X-TE-22	Map 15, Lot 54	Between Lake Street and Horn Pond Brook Road	5,947	Cert. No. 44549
X-TE-23	Map 15, Lot 78	Between Lake Street and Horn Pond Brook Road	1,413	N/A
X-TE-33	Map 11, Lot 254	Between Tufts Road and Cross Street	14,412	Cert. No. 34807
X-TE-34	Map 11, Lot 254	Between Tufts Road and Cross Street	30,307	Cert. No. 34807
X-TE-36	Map 11, Lot 270	Between Tufts Road and Cross Street	964	Book 11614, Page 602
X-TE-37	Map 11, Lot 270	Between Tufts Road and Cross Street	218	Book 11614, Page 602

Parcel	Assessors ID	Address/Location	Area (sf)	Title Reference
X-TE-38	Map 11, Lot 254	Between Tufts Road and Cross Street	9,958	Book 5652, Page 523
X-TE-39	Map 11, Lot 254	Between Tufts Road and Cross Street	10,328	Book 5652, Page 523
X-TE-40	Map 12, Lot 44	Off of Cross Street (Davidson Park)	21,693	Book 5512, Page 382
X-TE-41	Map 12, Lot 44	Off of Cross Street (Davidson Park)	21,339	Book 5512, Page 382
X-TE-42	Map 12, Lot 44	Off of Cross Street (Davidson Park)	8,459	Cert. No. 61845
X-TE-67	Map 1, Lot 6	Off of Washington Street	3,690	Cert. No. 37362 & 37373

Such temporary rights and easements in the Temporary Easement Areas are taken for by way of illustration and without limitation, (a) excavating, clearing, filling, grading, re-grading, landscaping, maintaining, and restoration of the Temporary Easement Areas, (b) entering upon and travel over the Temporary Easement Areas by foot and by vehicle, including but not limited to placing, moving, and using construction vehicles, equipment and materials, and (c) removing any earth, materials, improvements, trees, vegetation, and any structures, fixtures, obstructions, or other improvements now or hereafter located at, on, or under the Temporary Easement Areas.

The temporary easements acquired pursuant to this Order of Taking shall expire three (3) years from the date that the instrument is recorded at the Middlesex South Registry of Deeds. The Town shall be responsible for the recording of this instrument at the Registry.

We direct that this instrument be filed with the Registry and the Town Clerk. In the event that any provision of this instrument is deemed by a court of competent jurisdiction to be invalid, illegal, or unenforceable, the remainder of this instrument shall be valid and enforceable to the fullest extent permitted by the law.

[SIGNATURE PAGE TO IMMEDIATELY FOLLOW]

EXECUTED as a sealed instrument as of this \_\_\_\_\_ day of August, 2016.

TOWN OF WINCHESTER,  
By its Board of Selectmen:

\_\_\_\_\_  
Lance R. Grenzeback, Chairman

\_\_\_\_\_  
E. James Whitehead, Vice Chairman

\_\_\_\_\_  
Stephen L. Powers

\_\_\_\_\_  
Michael Bettencourt

\_\_\_\_\_  
David Errico

**COMMONWEALTH OF MASSACHUSETTS**

Middlesex, ss.

On this \_\_\_\_\_ day of \_\_\_\_\_, 2016, personally appeared Lance R. Grenzeback, E. James Whitehead, Stephen L. Powers, Michael Bettencourt, and David Errico, known to be members of the Winchester Board of Selectmen and acknowledged the foregoing instrument to be their free act and deed, and the free act and deed of the Board of Selectmen and of the Town of Winchester.

\_\_\_\_\_  
Notary Public  
My commission expires:

**EXHIBIT A**

Town Clerk Certified Copy of the 2014 Spring Town Meeting Vote on Article 10

**EXHIBIT B**

Reduced Copy of Easement Plans