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**RELEASE DEED**

**THE COMMONWEALTH OF MASSACHUSETTS**, acting by and through the Commissioner of its **DIVISION OF CAPITAL ASSET MANAGEMENT AND MAINTENANCE**, on behalf of the Department of Correction ("DOC") having an address at One Ashburton Place, Boston, Massachusetts 02108 (the "Grantor"), acting under the authority of Chapter 117 of the Acts of 2010 (the "Act"), for nominal consideration, the receipt and sufficiency of which the Grantor hereby acknowledges, does hereby grant and release to the **CHDC - JV LLC**, a Massachusetts limited liability company, with a mailing address of P.O. Box 195, Concord, Massachusetts 01742 (the "Grantee"), without covenants, a certain parcel of land (the "Premises"), known as Parcel A, located at the end of Winthrop Street, Concord, Massachusetts, containing 12.8± acres, more or less, and being shown as Parcel A on that certain plan entitled "Plan of Land in Concord, MA, prepared for the Commonwealth of Massachusetts Division of Capital Asset Management and Maintenance on behalf of the Department of Correction", dated November 9, 2012 and prepared by Places Associates, Inc., 510 King Street, Suite 9, Littleton, Massachusetts, to be recorded herewith as (the "Plan").

It is the intent of the Grantor named herein to convey the Premises; howsoever the same may be bounded and described, in their "as is" condition. It is the intent of the Parties hereto that all conditions herein shall run with the land and be deemed to be made for valuable consideration.

The Premises are conveyed subject to the following restrictions:

1. No improvements or landscaping shall be located such that a shadow will fall on the Grantor's Solar Panels located on the adjacent land of Grantor, as such panels are shown on the Plan. The Grantee, or its successors in title, shall be responsible for tree trimming from time to time as necessary to comply with the foregoing. Grantor may exercise self-help if such trimming does not occur after 15 days notice and request from the Grantor to the then current owner of the Premises.
2. The Premises shall initially be used for public open space purposes but it is contemplated that it will be developed for affordable housing purposes. If so developed, 100 percent of the housing created on the Premises shall be deemed affordable housing as determined by the income ranges established by the Grantee.
3. The Act requires that any development of the Premises shall include appropriate set-backs from the Assabet River. The issuance by the Secretary of Energy and

DLDN  
PO Box 2223  
Acton MA 01720

Property Address: Off Winthrop Street, Concord, MA

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Environmental Affairs of a certificate stating that the project review has been completed pursuant to the Massachusetts Environmental Policy Act (MEPA) shall constitute evidence of compliance with said requirement.

4. The Act requires that any development of the Premises shall ensure compatibility for the proposed Bruce Freeman Rail Trail to cross the Premises. Issuance of an approval and permit for the development of the Premises for affordable housing purposes in accordance with this deed from the Town of Concord Planning Board or the Town of Concord Zoning Board of Appeals shall constitute evidence of compliance with said requirement.

The Premises are further subject to all other matters of record to the extent the same are in force and effect and subject to applicable laws, rights and encumbrances. If the Premises ceases to be used for the purposes set forth in Section 1 of Chapter 117 of the Acts of 2010, title to the Premises shall, at the election of the Commonwealth, revert to the Commonwealth.

By its execution and delivery of this Deed, the Grantor confirms that:

1. The boundaries of the Premises as shown on the Plan provide the clear field of view for and an appropriate setback from the DOC facility of the Grantor located north of the Premises, as required by the Act.
2. The recording herewith of the Deed of Easement from the Massachusetts Department of Transportation to the Grantee shall constitute compliance with the requirement of the Act that the Grantee acquire access to cross the former railroad right of way abutting the Premises.
3. The recording herewith of the Emergency Access Easement from the Grantor to the Grantee shall constitute compliance with the requirements of the Act that the Grantee provide a second means of access for emergency purposes.

For the Commonwealth's title see taking recorded with the Middlesex (South) Registry of Deeds in Book 26EX, Page 479 and confirmation deed at Book 1292, Page 227.

IN WITNESS WHEREOF, the Commonwealth of Massachusetts has executed this Release Deed as a sealed instrument as of the 28<sup>th</sup> day JANUARY, 2013.

COMMONWEALTH OF MASSACHUSETTS acting by and through the Commissioner of its Division of Capital Asset Management and Maintenance

By: Carole J. Cornelison  
Carole J. Cornelison, Commissioner

The undersigned certifies under penalties of perjury that I have fully complied with Chapter 117 of the Acts of 2010 in connection with the property described herein.

By: Carole J. Cornelison  
Carole J. Cornelison, Commissioner, Division of Capital Asset Management and Maintenance

THE COMMONWEALTH OF MASSACHUSETTS

Suffolk, ss.

On this 28<sup>th</sup> day of January, 2013, before me, the undersigned notary public, personally appeared Carole J. Cornelison, proved to me through satisfactory evidence of identification, which were personally known to me, to be the person whose name is signed on the preceding document, and acknowledged to me that she signed it voluntarily, in her capacity as Commissioner of the Division of Capital Asset Management and Maintenance, for its stated purpose.

*Marsha Grant*

Notary Public

My Commission Expires

7/26/13

