

Marginal Reference

Grantor: Greater Worcester Land Trust, Inc.
Grantee: City of Worcester acting by and through its Conservation Commission
Address: Donker Farm, Worcester, Massachusetts
Book 53643, Page 361



Bk: 55569 Pg: 51
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**AMENDMENT TO CONSERVATION RESTRICTION
DONKER FARM**

The Greater Worcester Land Trust, Inc., a Massachusetts non-profit corporation with an address of 4 Ash Street, Worcester, Massachusetts, together with its successors and assigns (“GWL”) and the City of Worcester, acting by and through its Conservation Commission pursuant to Massachusetts General Laws, chapter 40, section 8C, with an address of City Hall, 455 Main Street, Worcester, Massachusetts, together with its successors and assigns (“City”) do hereby agree to amend the conservation restriction on the Donker Farm granted to the City by GWL, dated April 28, 2015 and recorded at the Worcester District Registry of Deeds in Book 53643, Page 361 (the “Original CR”).

The purpose of this Amendment is to adjust the boundaries of the Original CR to reflect land added to the premises of the Original CR; said adjoining land being two parcels conveyed to GWL by deed of Steven Venincasa, Trustee of HICGO Realty Trust dated June 30, 2016 and recorded at the Worcester District Registry of Deeds in Book 55569, Page 45.

The parties acknowledge that this Amendment is going to benefit the Original CR and the City’s goal of Open Space Preservation. Acquiring the two parcels will add to the Original CR and contribute to the viability of Donker Farm as a working farm. Furthermore, this Amendment will allow for the continuity of the property management by taking place under the same Land Management Plan. The conservation and permanent protection of these two parcels is being accomplished in compliance with the Conservation Partnership grant program of the Massachusetts Executive Office of Energy and Environmental Affairs.

Now therefore, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties, intending to be legally bound, hereby amend the Original CR as follows:

First: The last four lines of the first paragraph of the Original CR, which begin with the phrase “land located in the City and County of Worcester . . .” are deleted and replaced by the following:

“land located in the City and County of Worcester, Massachusetts, containing approximately 31.4 acres, more or less, said land being more particularly described in Exhibit A attached hereto (the “Premises”), and shown on the sketches attached as Exhibit B-1 and B-2. For Grantor’s title, see the

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deeds recorded in the Worcester District Registry of Deeds, Book 53643, Page 350, and Book 55569, Page 45."

Second: Exhibit A of the Original CR is deleted in its entirety and hereby replaced by the new Exhibit A attached hereto.

Third: Exhibit B of the Original CR is hereby amended by deleting the original Exhibit B and inserting in lieu therefore the new attached Exhibit B-1, identifying the parcels in the original CR, and Exhibit B-2, identifying the parcels to be added to the original CR.

Fourth: In all other respects, the Original CR is ratified and confirmed.

APPROVAL BY GREATER WORCESTER LAND TRUST, INC.

IN WITNESS WHEREOF, the said Greater Worcester Land Trust, Inc., having approved the foregoing Amendment to Conservation Restriction pursuant to M.G.L. Chapter 184, Section 32, has caused these presents to be signed, acknowledged and delivered in its name and behalf by Allen W. Fletcher, its president, and Nancy Meehan, its treasurer, this 21 day of June, 2016.

Greater Worcester Land Trust, Inc.

By: [Signature]
Allen W. Fletcher, President

By: [Signature]
Nancy Meehan, Treasurer

COMMONWEALTH OF MASSACHUSETTS

Worcester, ss.

On this 21 day of June, 2016, before me, the undersigned notary public, personally appeared Allen W. Fletcher, proved to me through satisfactory evidence of identification, which were personal knowledge, to be the person whose name is signed on this document, and acknowledged to me that he signed it voluntarily for its stated purpose.

[Signature]
Notary Public



COMMONWEALTH OF MASSACHUSETTS

Worcester, ss.

On this 21 day of June, 2016, before me, the undersigned notary public, personally appeared Nancy Meehan, proved to me through satisfactory evidence of identification, which were personal knowledge, to be the person whose name is signed on this document, and acknowledged to me that she signed it voluntarily for its stated purpose.

[Signature]
Notary Public



APPROVAL BY WORCESTER CONSERVATION COMMISSION

We, the undersigned, being a majority of the Worcester Conservation Commission, hereby certify that at a public meeting duly held on June 20, 2016, said Commission voted to approve the foregoing Amendment to Conservation Restriction pursuant to M.G.L. Chapter 184, Section 32 and Chapter 40 Section 8C and to be bound by the terms set forth therein.

Members of the
Worcester Conservation Commission

[Signature]
[Signature]
[Signature]
[Signature]
[Signature]

COMMONWEALTH OF MASSACHUSETTS

Worcester, ss.

On this 20 day of June, 2016, before me, the undersigned notary public, personally appeared Conservation Commission, proved to me through satisfactory evidence of identification, which were Driver's Licenses, to be the person whose name is signed on this document, and acknowledged to me that he signed it voluntarily for its stated purpose.

[Signature]
Notary Public



DEBORAH D. STEELE
Notary Public
Commonwealth of Massachusetts
My Commission Expires July 4, 2019

APPROVAL BY CITY COUNCIL AND CITY MANAGER

The undersigned, City Clerk of the City of Worcester, Massachusetts, hereby certifies that at a meeting duly held on June 21, 2016, the City Council voted to approve the foregoing Amendment to Conservation Restriction pursuant to M.G.L. Chapter 184, Section 32, and authorized the City Manager to execute the same.

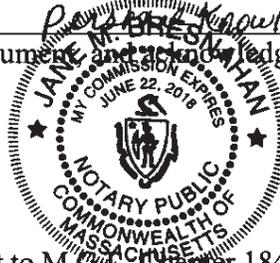


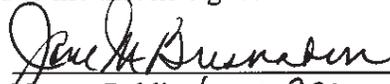
Susan M. Ledoux, City Clerk

COMMONWEALTH OF MASSACHUSETTS

Worcester, ss.

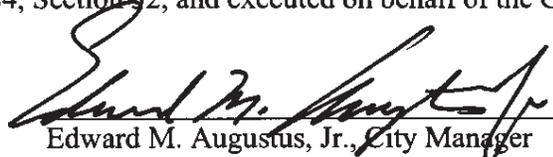
On this 21 day of June, 2016, before me, the undersigned notary public, personally appeared Susan M. Ledoux, City Clerk, proved to me through satisfactory evidence of identification, which were Personal Knowledge, to be the person whose name is signed on this document, and acknowledged to me that he signed it voluntarily for its stated purpose.





Notary Public JANE M. BRESLAHAN

Approved pursuant to M.G.L. Chapter 184, Section 32, and executed on behalf of the City of Worcester this 22nd day of June, 2016.

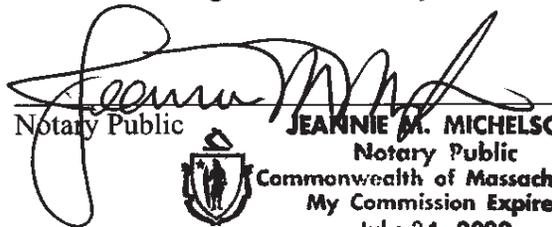


Edward M. Augustus, Jr., City Manager

COMMONWEALTH OF MASSACHUSETTS

Worcester, ss.

On this 22nd day of June, 2016, before me, the undersigned notary public, personally appeared Edward M. Augustus, Jr., City Manager, proved to me through satisfactory evidence of identification, which were Personal Knowledge, to be the person whose name is signed on this document, and acknowledged to me that he signed it voluntarily for its stated purpose.



Notary Public **JEANNIE M. MICHELSON**
Notary Public
Commonwealth of Massachusetts
My Commission Expires
July 24, 2020

**APPROVAL BY SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS
COMMONWEALTH OF MASSACHUSETTS**

The undersigned, Secretary of the Executive Office of Energy and Environmental Affairs of the Commonwealth of Massachusetts, hereby certifies that the foregoing Amendment to Conservation Restriction has been approved in the public interest pursuant to M.G.L. Chapter 184, Section 32.

Date: 6/28, 2016

Matthew A. Beaton
Matthew A. Beaton
Secretary of Energy and Environmental
Affairs

COMMONWEALTH OF MASSACHUSETTS

Suffolk, ss.

On this 28 day of June, 2016, before me, the undersigned notary public, personally appeared Secretary Beaton, proved to me through satisfactory evidence of identification, which were personal knowledge, to be the person whose name is signed on this document, and acknowledged to me that he/she signed it voluntarily for its stated purpose.

Marissa R. Fimiani
Notary Public
Exp: 08/06/2021

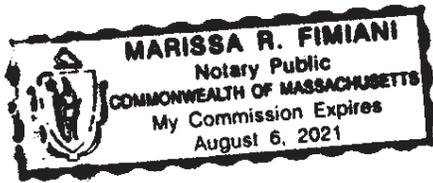


EXHIBIT A**PARCEL 1:**

TRACT 1: A certain tract of land situated in the northwesterly part of the City of Worcester, being a part of land known as the North Bend Farm, bounded and described as follows:

BEGINNING at the southwesterly corner thereof and at the northwesterly corner of land now or formerly of Frank Dudley, formerly of Warren A. Clapp;

THENCE S. 86° E. thirty-three (33) rods three (3) links by land of said Dudley and also land now or formerly of John F. Prentice;

THENCE S. 84 ½° E. nineteen (19) rods, fifteen (15) links;

THENCE S. 82° E. twenty-one (21) rods twenty (20) links to a corner. The last three courses being by stone wall;

THENCE N. 3 ¼° W. by stone wall on land of said Prentice and by land now or formerly of one Anderson forty-six and 5/10 (46.5) rods;

THENCE N. 86° W. fifty-five (55) rods to a point at land now or formerly of said Anderson;

THENCE deflecting to the left 90° and running fifty (50) feet to land now or formerly of Herbert W. Anderson;

THENCE deflecting to the right 90° running ten (10) rods to land now or formerly of Anderson;

THENCE deflecting to the left 90° and running twenty (20) rods to other land of said Anderson;

THENCE N. 86° W. twelve and one-half (12 ½) rods to Tory Fort Lane, so-called;

THENCE S. 18 ¼° E. by said Lane twenty-four (24) rods nine (9) links to the place of beginning.

Also two triangular parcels of land located on the westerly side of said Lane and bounded and described as follows:

BEGINNING at the southeasterly corner of land now or formerly of John Friend and at the northeasterly corner of tract to be described;

THENCE S. 18 ¼° E. by said Lane ten (10) rods more or less;

THENCE N. 85° W. about three (3) rods twenty (20) links;

THENCE 2 ¼° E. about four (4) rods to said Lane;

THENCE N. 45 ½° W. about three and one-half (3 ½) rods to land of said Friend;

THENCE by land of said Friend to the place of beginning.

TRACT 2: The land in Worcester shown as Lots 3 and 21 on a plan of Corona Heights, Section B recorded with Worcester District Registry of Deeds in Plan Book 37, Plan 29, and being the same premises described in deed of Edward A. Robertson to Milton I. Dunn et ux, dated May 24, 1922, recorded with the Worcester District Registry of Deeds in Book 2269, Page 596.

TRACT 3: The land in Worcester on the easterly line of Tory Fort Lane and also the land lying easterly of Tory Fort Lane and being the same premises conveyed to Milton I. Dunn and Mabel A. Dunn by deed of George W. Anderson dated March 10, 1922 and recorded with Worcester District Registry of Deeds in Book 2263, Page 445.

Excepting from the premises conveyed by this deed that portion, if any, included in the deed from Milton I. Dunn et als to George W. Anderson dated March 10, 1922 and recorded with Worcester District Registry of Deeds in Book 2263, Page 443.

Excepting also the premises conveyed to Francis J. Parslow et ux by deed of Mabel A. Dunn dated September 27, 1947 and recorded with said Deeds, Book 3079, Page 259.

Excepting also the premises conveyed to Richard T. Benson, by deed dated 12 April 1968, recorded in Book 4841, Page 470.

Tract I herein conveyed is subject to the easement granted to Francis S. Holmes et ux dated October 15, 1951 and recorded with said Deeds, Book 3394, Page 390; and to a taking by the City of Worcester for High Service Transmission water main dated July 28, 1954 and recorded with said Deeds Book 3611, Page 551.

BEING the same premises described in a deed dated November 8, 1978 and recorded with the Worcester District Registry of Deeds in Book 6629, Page 154.

PARCEL 2:

The land in Worcester, Worcester County, Massachusetts on the easterly side of Tory Fort Lane, bounded and described as follows:

BEGINNING at a point at the northwest corner of land of John W. Odlin as described in deed of Frederick E. Dudley to John W. Odlin, dated 18 September 1916 and recorded with the Worcester District Registry of Deeds, Book 2113, Page 440;

THENCE S. 82° 13' E., about 246.06 feet, more or less, by said Odlin land, to a point at land now or formerly of one Prentice;

THENCE N. 16° 23' E., about 452.28 feet, more or less, by land now or formerly of said Prentice to a drill hole in a stone at land now or formerly of one Anderson;

THENCE N. 85° 30' W., about 414.6 feet, more or less, by land of said Anderson to a point on the easterly side of Tory Fort Lane;

THENCE Southerly by said Tory Fort Lane, about 450 feet, more or less, to the point of beginning.

TOGETHER with all Grantor's rights in said Tory Fort Lane abutting said parcel, and subject to the rights of others to use the same.

BEING a part of the premises described in a deed of Welcome W. Clapp to Charles E. Dudley, dated 3 November 1894 and recorded with the Worcester District Registry of Deeds, Book 1454, Page 617.

BEING the same premises described in a deed dated August 14, 1995 and recorded with the Worcester District Registry of Deeds in Book 17283, Page 357.

PARCEL 3:

TRACT 1: The land in Worcester, Worcester County, Massachusetts, on the northerly side of Caton Road, said parcel being shown as Lot 8 on the plan entitled, "Plan of Land In Worcester, MA" dated January 16, 2001, by George E. Smith & Associates, Professional Land Surveyors, Worcester, Massachusetts and recorded with the Worcester District Registry of Deeds in Plan Book 765, Plan 8, bounded and described as follows:

BEGINNING at a point on the northerly sideline of Caton Road, being South 83' 32' 36" East, one hundred fifty and no hundredths (150.00) feet from the intersection of the easterly sideline of Tory Fort Lane;

Thence North 21' 02' 16" West, by land of Persson and Janitis, seventy-two and ninety-seven hundredths (72.97) feet to a point;

Thence North 69' 21' 42" East, by Lot 7, one hundred seventy-nine and thirty-seven hundredths (179.37) feet to a point;

Thence North 26' 27' 50" East, by Lot 6, ninety-three and eighty-seven hundredths (93.87) feet to a point;

Thence North 06' 40' 10" East, by Lots 1,2,3, & 5, three hundred fifty-nine and sixty-one hundredths (359.61) feet to an iron pipe;

Thence South 85' 55' 12" East, by land of Diliddo, sixty-nine and fifty-six hundredths (69.56) feet to a point;

Thence South 84' 05' 17" East, two hundred and eighty-six hundredths and fifty hundredths (286.50) feet to a point;

Thence South 18' 50' 13" West, by Lot 9, three hundred four and thirty-five hundredths (304.35) feet to a point;

Thence South 58' 18' 21" West, by Lot 9 four hundred eighty-nine and eighty-three hundredths (489.83) feet to a point on the northerly sideline of Caton Road;

Thence North 83' 32' 36" West, by northerly sideline of Caton Road, sixty-five and no hundredths (65.00) feet to the point of beginning.

The above described parcel is subject to a 40' wide water easement as shown on plan.

Said parcel containing 3.3 acres of land, more or less.

Being the same premises described in a deed to the Greater Worcester Land Trust, Inc., from Steven Venincasa, Trustee of HICGO Realty Trust dated June 30, 2016 and recorded at the Worcester District Registry of Deeds in Book 55569, Page 45 and is subject to the easements set forth therein.

TRACT 2: The land in Worcester, Worcester County, Massachusetts, on the northerly side of Caton Road, said parcel being shown as Lot 9 on the plan entitled, "Plan of Land In Worcester, MA" dated January 16, 2001, by George E. Smith & Associates, Professional Land Surveyors, Worcester, Massachusetts and recorded with the Worcester District Registry of Deeds in Plan Book 765, Plan 8, bounded and described as follows:

BEGINNING at a point on the northerly sideline of Caton Road begin South 83' 32' 36" East, two hundred fifteen and no hundredths (215.00) feet from the intersection of the easterly sideline of Tory Fort Lane;

Thence 58' 18' 21" East, by Lot 8, four hundred eighty-nine and eighty-three hundredths (489.83) feet to a point;

Thence North 18' 50' 13" East, by Lot 8, three hundred four and thirty-five hundredths (304.35) feet to a point;

Thence South 84' 05' 17" East, three hundred thirteen and ninety-three hundredths (313.93) feet to a point;

Thence South 19' 49' 11" West, by land of Fox Hill Builders, six hundred nineteen and sixty-two hundredths (619.62) feet to a point;

Thence North 83' 32' 36" West, six hundred twenty-one and sixteen hundredths (621.16) feet to the point of beginning.

The above described parcel is subject to a 40' wide water easement as shown on plan.

Said parcel containing 5.36 acres of land, more or less.

Parcel 3 is with the benefit of and subject to the following to the extent they are in force and applicable.

Together with a right of way in common to George W. Anderson and all persons claiming under him over said open passageway 20 feet in width from Tory Fort Lane to the premises.

Subject to a reservation contained in a deed from George W. Anderson dated March 10, 1922 and recorded with Worcester District Registry of Deeds in Book 2263, Page 444;

Subject to a transmission line easement deed agreement with Massachusetts Electric Company dated September 17, 1962, and recorded with Worcester District Registry of Deeds in Book 4328, Page 472.

Being the same premises described in a deed to the Greater Worcester Land Trust, Inc., from Steven Venincasa, Trustee of HICGO Realty Trust dated June 30, 2016 and recorded at the Worcester District Registry of Deeds in Book 55709, Page 45 and is subject to the easements set forth therein.

EXHIBIT B-1

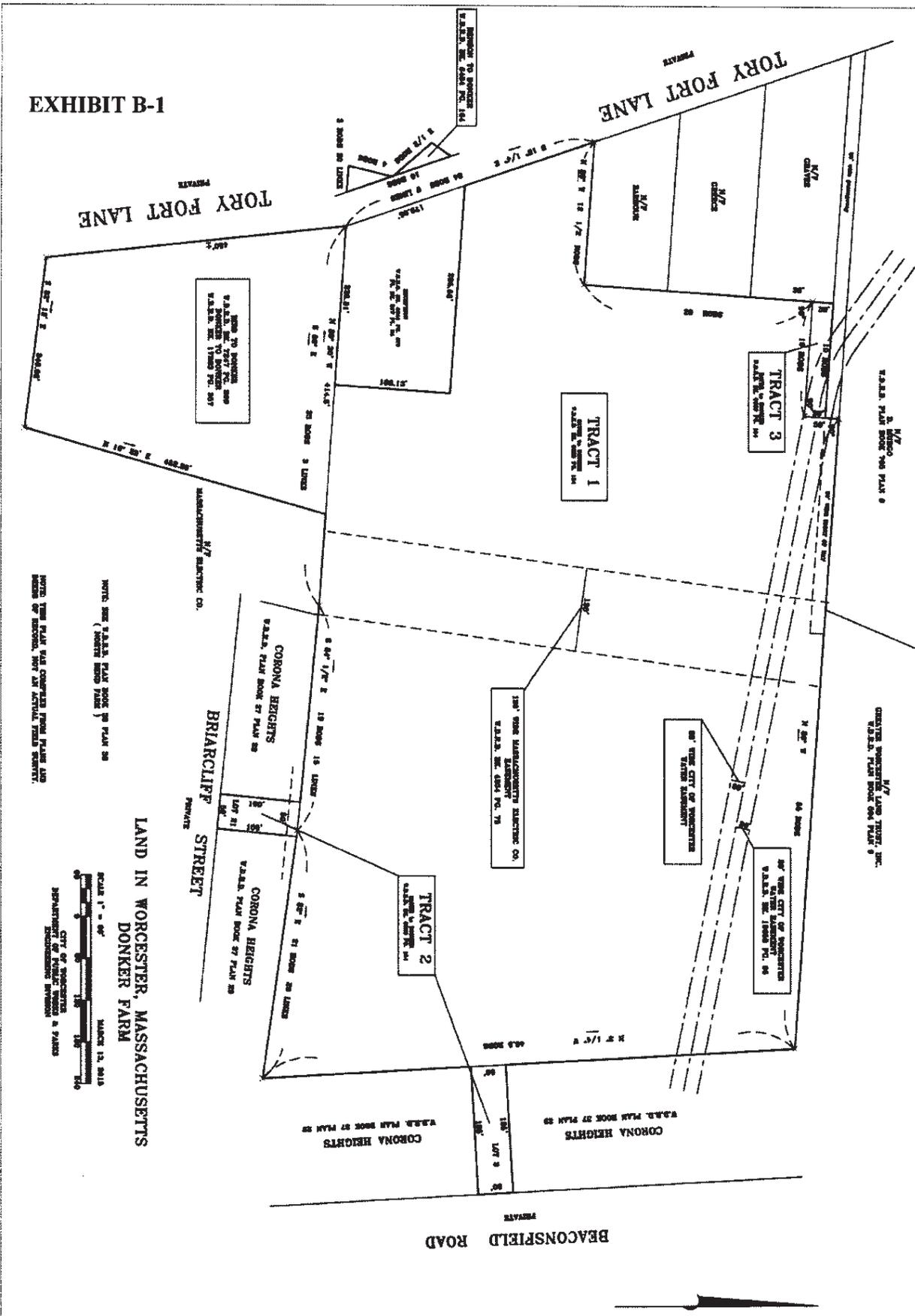
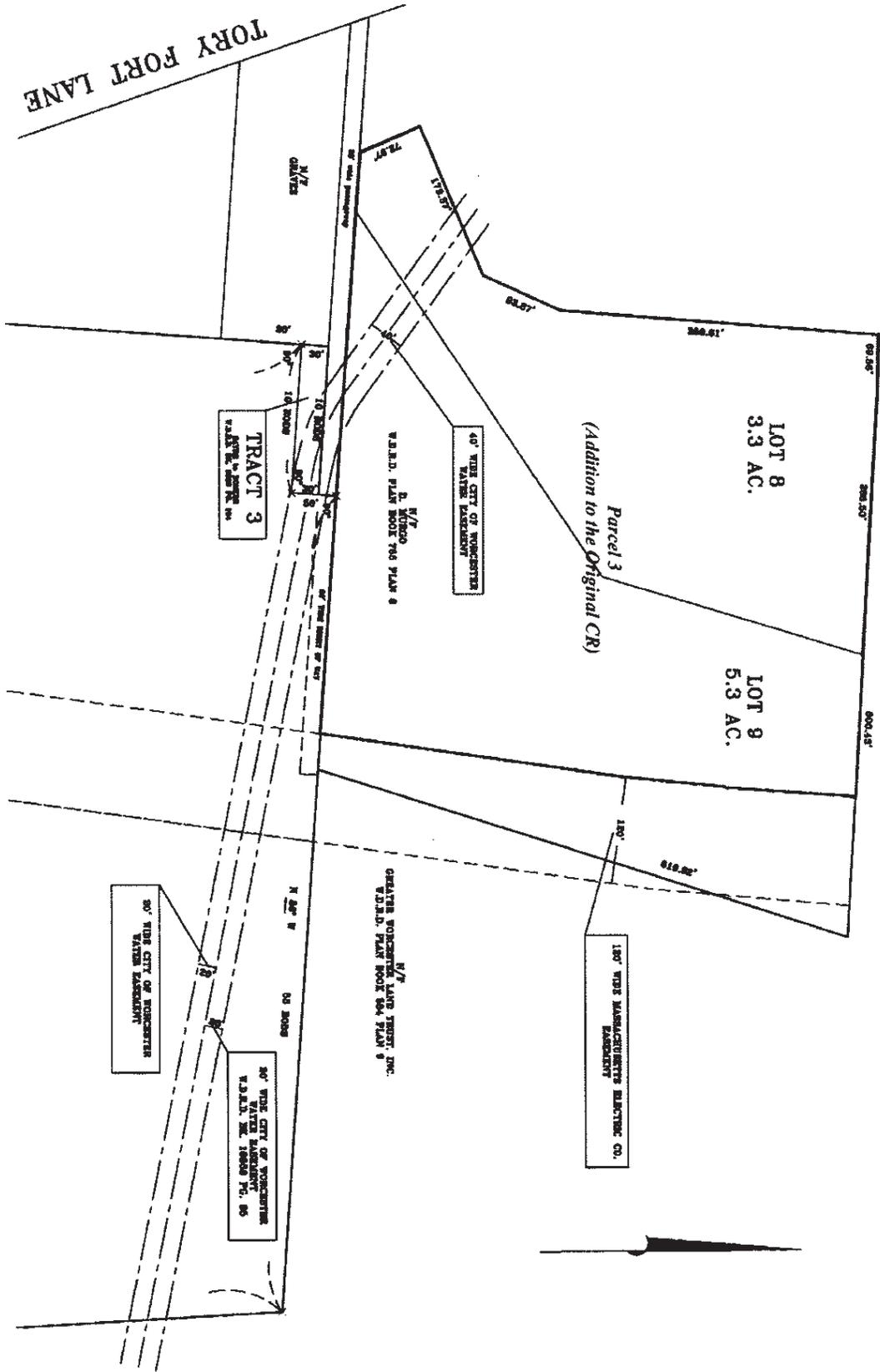


EXHIBIT B-2



NOTE: SEE VALD. PLAN BOOK 795 PLAN 8

NOTE: THIS PLAN WAS COMPILED FROM PLANS AND RECORDS ON RECORD, NOT AN ACTUAL FIELD SURVEY.

LAND IN WORCESTER, MASSACHUSETTS
DONKER FARM

SCALE 1" = 50'
 0 50 100 150 200
 CITY OF WORCESTER
 DEPARTMENT OF PUBLIC WORKS & PARKS
 ENGINEERING DIVISION
 JUNE 14, 2018

cm2016jun16113903

CITY OF WORCESTER

ORDERED: That

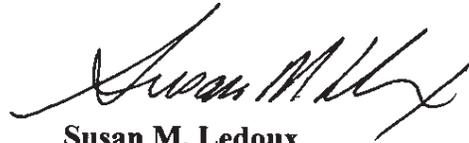
The City Manager be and he is hereby authorized to execute and accept on behalf of the city of Worcester an amendment to the conservation restriction for Donker Farm granted to the City by the Greater Worcester Land Trust., Inc., dated April 28, 2015, and recorded in the Worcester District Registry of Deeds at Book 53643, Page 361, relative to increasing the protected area from approximately 22.8 acres to approximately 31.4 acres.

In City Council

June 21, 2016

Order adopted on a roll call vote of Eleven Yeas and No Nays

A Copy. Attest:



**Susan M. Ledoux
City Clerk**