

;.CXC



MEETING POSTING

TOWN OF NANTUCKET

Pursuant to MGL Chapter 30A, § 18-25

All meeting **notices and agenda** must be filed and time stamped with the Town Clerk's Office and posted at least 48 hours prior to the meeting (excluding Saturdays, Sundays and Holidays)

RECEIVED

2024 DEC 13 AM 10:12
NANTUCKET TOWN CLERK
Posting Number:T 1161

Committee/Board/s | Nantucket Roads and Right of Way Committee

Day, Date, and Time | Tuesday Dec 17, 2024 at 4:00 p.m.

Location / Address |
☐ **NOTE:** 131 Pleasant Street Meeting Trailer **Room A** and Remote Participation via Zoom
The meeting will be aired at a later time on the Town's Government TV YouTube Channel
<https://www.youtube.com/channel/UC-sgA1fdoxteLNzRAUHIxa>
☐

Signature of Chair or Authorized Person | Bill Grieder, Chairman

WARNING: IF THERE IS NO QUORUM OF MEMBERS PRESENT, OR IF MEETING POSTING IS NOT IN COMPLIANCE WITH THE OML STATUTE, NO MEETING MAY BE HELD!

AGENDA

List of the topics the chair reasonably anticipates will be discussed at the meeting

NANTUCKET ROADS & ROW COMMITTEE **Tuesday December 17 , 2024 at 4 p.m.**

ZOOM LINK

<https://us06web.zoom.us/j/84313022156?pwd=wOzgJqLLYqM5QFBO3jvhHhbFkNU1fk.1>

Meeting ID: 843 1302 2156

Passcode: 878821

Mobile: (646) 558-8656

1. Accept November 19, 2024 minutes
2. Public comment on items not on the agenda.
3. Discussion re road status list: private vs public.
4. Consideration of input to Harbor Plan Committee Update to the Select Board.
5. Discussion on meeting minutes.
6. Other business and member comments.
7. Adjourn, Next meeting: **January 21, 2025 at 4:00 pm**

ROADS AND RIGHT OF WAY COMMITTEE
Posted Meeting of
November 19, 2024, 2024, at 4:00 pm
Held in Hybrid Format

DRAFT MINUTES FOR REVIEW AND APPROVAL

Call to Order, Approval of the Agenda, Approval of Minutes, and Public Comments.

Chairman Grieder opened the meeting at 4:05 pm.

Attendees in person: B Grieder, A Reinhard, P Smith, E Gillum, N Eldridge, Tracy MacDonald, Real Estate Specialist.

Via Zoom: R Atherton

Public Comment (items not on the agenda) - none

Acceptance of the October 15th minutes.

Motion to accept A Reinhard. Second by N Eldridge. Unanimous acceptance by roll call vote

Encroachment and access update: Tracey MacDonald, Real Estate Specialist

Tracey introduced her memo to the Committee (attached to these minutes). In it, she discussed the challenges and potential solutions related to property encroachments, particularly hedges and rocks in the roadways. She mentioned the need for an updated policy on licensing for property use, with a focus on clarifying the terms and conditions. Tracey noted the licensing and easement agreements related to beach access in Surfside, where some agreements were licensed, not permanent, and some were easements.

Next steps

- Tracy will: continue researching and documenting public access points along Baxter Road and Hulbert Avenue. She will follow up on negotiations regarding Franklin Street access to the cemetery.
- Bill is to send out a signup sheet to Committee members for taking meeting minutes.
- Bill will reach out to Erica regarding IT setup issues for Zoom meetings.
- Tracy is working with the Town Council to finalize Tom Nevers Road bike path design and easement plans.
- The Committee will make recommendations on locations for installing new public monuments. Tracy will investigate options for ordering new flush-mount monuments to replace the depleted supply.
- Bill to follow up with Maureen Coleman on accessing AI-generated meeting transcripts.

Motion to adjourn

Motion by N Eldridge. Second by P Smith. Unanimous acceptance by roll call vote.

Next meeting: December 17, 2024 at 4:00 pm

MEMO

TO: Roads and Right of Way Committee
FROM: Tracy MacDonald, Real Estate Specialist
DATE: November 19, 2024
RE: Follow-up from previous matters

The Roads and Right of Way Committee has asked that I follow-up on matters discussed in previous meetings as follows:

1. Jefferson Avenue: The Land Bank has purchased 41 Jefferson Avenue and plans to have dedicated beach access, it is not necessary for the Town to own and maintain that area and the Land Bank will own to the midline of the "Way" as indicated on the Land Court Plans. The property is subject to easements for the electric cable and the County has the road to the limit of the pavement pursuant to an Order of Taking for Jefferson Avenue. There is also Access on the other side of 43 Jefferson Avenue pursuant to Order of Taking #134439 and Plan 2011-41.

2. Hulbert Avenue Access Points:

73 & 75 Hulbert: Charles Street is an official public access point and is marked by a post. The Plan is Land Court Plan 8472-B; Certificate of Title 2283 owned by the Town.

61 & 63 Hulbert: Johnson St is shown on the Land Court Plans and is not taken. However, the Town did record a Plan 2001-48 for an easement. I do not see that an easement was granted to the Town. There is a private easement #104799.

55 & 57 Hulbert: James St is an official access point. There are One Big Beach Easements and Pedestrian Easements, Book 1826, Page 35, Book 1826, Page 43, Book 1777, Page 30 and Book 1777, Page 35, Plans 2018-35 and 2019-53. This easement runs through the middle of the driveway and I am not sure how it could be marked.

45 & 47 Hulbert: Henry St is taken by Order of Taking #152091 and Plan 2016-62. There is no conveyance or easement on record and this would be Land Court and the homeowner would need to file a petition if they wanted the parcels in exchange for the easement. At this time, it remains access point with no “official” pedestrian easement.

37 & 39 Hulbert: Willard/Willam St is taken by Order of Taking #144713 and Plan 2014-36. There is no conveyance or easement on record and is in same situation as above regarding Land Court.

3. Bluff Walk Access Points:

Front Street is taken as a road by Bk 506/95 #72314 Plan 48-S.

0 Sankaty & Shell – Nosegay was taken for a public road at Book 1329, Page 49 to the Bluff Walk. It is as all public roads are fully-accessible.

13 & 15 Rosaly’s Ln: Taken #136876 Plan 2012-25. need to negotiate the easement in exchange for conveyance of the parcels.

27 & 29 Baxter (Frazier Ln): Taken 1323/311 & #136875 Plan 2012-27; need to negotiate the easement in exchange for conveyance of the parcels.

31 & 33 Baxter (Ballantyne) Unrecorded ANR Plan has been submitted to me and I am in the process of negotiating the taking in exchange for a pedestrian easement to the Bluff Walk. These are unregistered parcels and this location has not been taken yet.

63 & 61 Baxter: Taken 1323/325 #136877 Plan 2012-26 (there is landscaping in this location and I am skeptical it is viable access – not sure if it is being used.

65 & 67 Baxter: Taken Book 1286/44 Plan 2011-23. need to negotiate the easement in exchange for conveyance of the parcels.

These access points are all secure and subject to the takings. They can be used for access but I would not necessarily label them without the owners permission. They can however, be labeled on the Bluff Walk side.

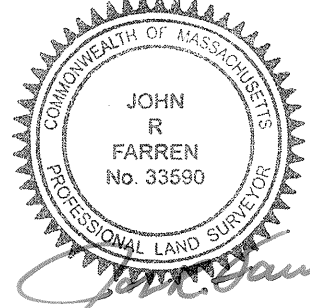
4. Tom Nevers Road – I have done extensive research and passed the matter to Town Counsel and she and I are working towards resolution. The Bike Path design has been moving forward.

5. Encroachment Policy. I have been actively addressing encroachments through the Click & Fix application and sending the attached materials where appropriate. Through this method I am able to put a deadline for resolution and issue work orders for the Town to remediate and invoice the homeowner. I have some thoughts about amending the policy and if the RROW would like to make recommendation to the Select Board for a policy update, they should do so.

NANTUCKET REGISTRY
OF DEEDS
Date: 07-27-2011
Time: 3:29 PM
Plan No. 0011-41
Sheet 1 of 1

RESERVED FOR REGISTRY USE

I CERTIFY THAT THIS PLAN HAS BEEN
PREPARED IN CONFORMANCE WITH THE
RULES AND REGULATIONS OF THE
REGISTRY OF DEEDS OF THE
COMMONWEALTH OF MASSACHUSETTS.



JOHN R. FARREN, PLS
MASSACHUSETTS REG.
NO. 33590

#41 JEFFERSON AVENUE
MAP 30 PARCEL 45
PURPLE WAMPUM, LLC
CERT #20365
LCC #16877-D

JEFFERSON AVENUE
(PUBLIC - VARIABLE WIDTH)
(EXISTING PAVED WAY)

I.P.
FND

15' WIDE WATER PIPE EASEMENT
(CERT #7380 - DOC #17291)
#39 JEFFERSON AVENUE
MAP 30 PARCEL 121
PURPLE WAMPUM, LLC
CERT #20364
LCC #16877-D

#35 JEFFERSON AVENUE
MAP 30 PARCEL 122
JANE C. SILVA
CERT #21243
LCC #16877-D

#33 JEFFERSON AVENUE
MAP 30 PARCEL 123
DALTON T. FRAZIER
&
JENNIFER L. FRAZIER
CERT #13522
LCC #14356-B

#29 JEFFERSON AVENUE
MAP 30 PARCEL 125
JOHN MAXWELL
&
KRISTEN L. DUNLAP-MAXWELL
CERT #22458
LCC #16877-C

#27 JEFFERSON AVENUE
MAP 30 PARCEL 126
SANDRA SHELVEY SHEFFIELD
CERT #12932
LCC #16877-B

#21 JEFFERSON AVENUE
MAP 30 PARCEL 129
THE RVR JEFFERSON FAMILY
LIMITED PARTNERSHIP
Bk: 466 Pg: 176
PLAN Bk: 23 Pg: 16

#3 PAWQUVET LANE
MAP 30 PARCEL 128
PAWQUVET REALTY TRUST
Bk: 332 Pg: 126

#5 PAWQUVET LANE
MAP 30 PARCEL 278
ATLANTIC FAIRVIEW, LLC
Bk: 919 Pg: 1
PLAN No. 04-34

#94 HULBERT AVENUE
MAP 30 PARCEL 50
PETER N. GILBRETH
&
PATRICIA GILBRETH
Bk: 926 Pg: 278
PLAN No. 04-34

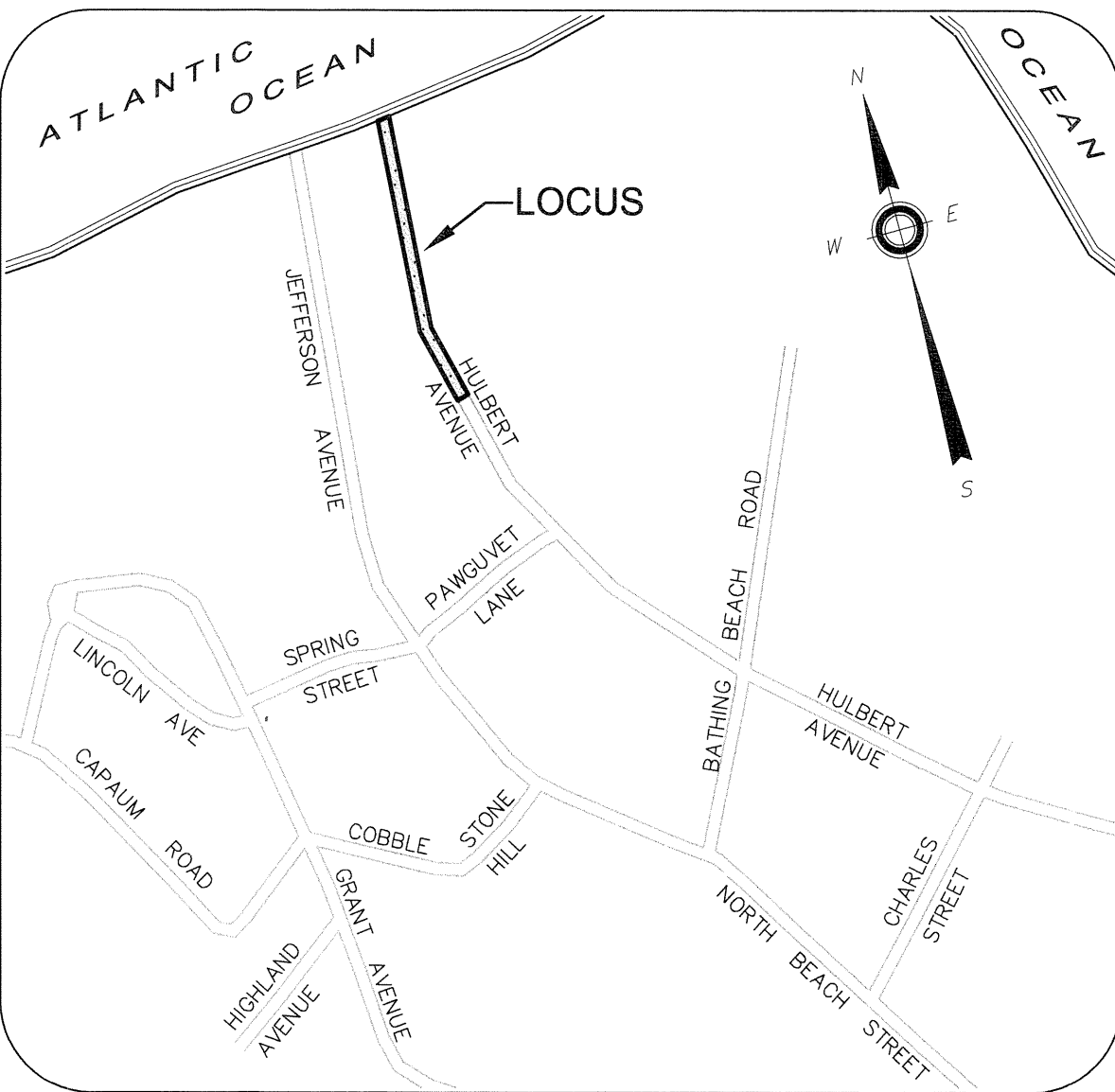
#92 HULBERT AVENUE
MAP 30 PARCEL 51
REBECCA M. GILBRETH ET AL
Bk: 448 Pg: 322

#4 PAWQUVET LANE
MAP 30 PARCEL 52
PAWQUVET REALTY TRUST
Bk: 332 Pg: 126

#6 PAWQUVET LANE
MAP 30 PARCEL 260
SIX PAWQUVET LANE NOMINEE
TRUST
Bk: 954 Pg: 85
PLAN No. 02-54

#11 JEFFERSON AVENUE
MAP 30 PARCEL 53
NANTUCKET ISLANDS LAND BANK
Bk: 681 Pg: 102
PLAN Bk: 8 Pg: 52

#4 BATHING BEACH ROAD
MAP 29 PARCEL 1
TOWN OF NANTUCKET
CERT #2283
LCC #16186-A



LOCUS MAP

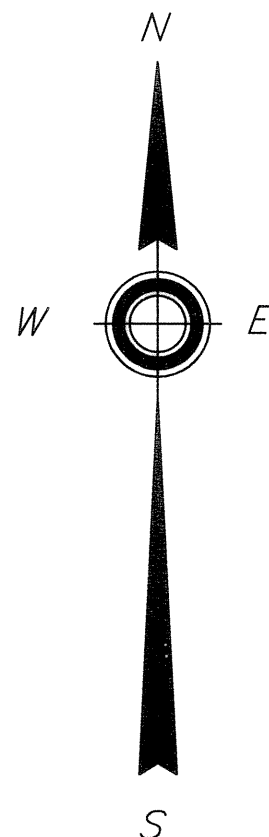
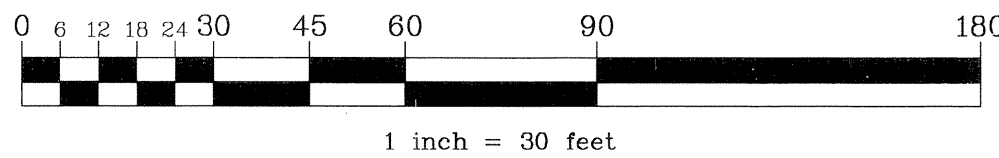
NOTES

1. LOCUS: HULBERT AVENUE
ASSESSORS MAP 29 & 30

2. PLAN REFERENCES:

LCC #14356-B
LCC #16186-A
Bk: 8 Pg: 52
Bk: 14 Pg: 19
ROAD PLAN #183
PLAN FILE #49-G
PLAN #2004-34

GRAPHIC SCALE



ROADWAY ACQUISITION/
DISPOSITION PLAN

IN
NANTUCKET, MASS.

A PORTION OF
HULBERT AVENUE

ASSESSORS MAP 29 & 30

PREPARED BY

BRACKEN ENGINEERING, INC.

19 OLD SOUTH ROAD, UNIT B

P.O. BOX 3525

NANTUCKET, MA 02584

tel: (508) 325-0044

SCALE: 1" = 30'

MAY 19, 2011

NO.	DATE	DESCRIPTION	BY

TOWN OF NANTUCKET
BOARD OF SELECTMEN

DATE: 25 May 2011

Paul Rogers

W. Williams

W. Williams

W. Williams

APPROVED BY THE
NANTUCKET PLANNING BOARD

DATE: 05-23-2011

FILE NUMBER: 7350

W. Williams

W. Williams

W. Williams

W. Williams

W. Williams

W. Williams

W. Williams

W. Williams



2011 00134439

Cert: 23529 Doc: OOT
Registered: 08/19/2011 01:14 PMCOMMONWEALTH OF MASSACHUSETTS
TOWN OF NANTUCKET
BOARD OF SELECTMENORDER OF TAKING BY EMINENT DOMAIN
OF EASEMENTS OVER PORTIONS OF HULBERT AVENUE

The undersigned being the majority of the duly elected and serving members of the Board of Selectmen of the Town of Nantucket, a body politic and corporate and a political subdivision of the Commonwealth of Massachusetts, having a principal place of business at Town and County Building, 16 Broad Street, Nantucket, Massachusetts ("Town"), acting by authority of Massachusetts General Laws Chapter 40, § 14 and Chapter 79, as amended, Article III, Section 3.3 of the Town Charter, St. 1996, c. 289, § 1, and the vote on Article 107 adopted by the Town at its 2011 Annual Town Meeting, a certified copy of which is attached hereto, and by virtue of every other power and authority hereto enabling us, having complied with all the preliminary requirements prescribed by law, having determined that the taking of the easement rights of others in and over those certain parcels of land comprising portions of Hulbert Avenue formerly known as Hulbert Street, owned by the Town by virtue of a Certificate of Title No. 2283 filed with the Nantucket Registry District of the Land Court and shown as Parcels A and B on a plan of land entitled "Roadway Acquisition/Disposition Plan in Nantucket, Mass. A Portion of Hulbert Avenue, Assessors Map 29 & 30 Prepared by Bracken Engineering, Inc.," dated May 19, 2011 and recorded with the Nantucket Registry of Deeds as Plan No. 2011-41 (the "Parcels") is required for open space and/or general municipal purposes, do hereby adopt and decree this Order of Taking on behalf of the Town and do hereby take from those who hold easements and other rights to the Parcels, and all their successors, heirs and assigns, as their interests may appear, by the right of eminent domain, the easement rights in and over the Parcels, if any.

Said easement is owned or supposed to be owned and/or formerly owned by the public as set forth in the above-referenced Certificate of Title and more specifically by the following Owner:

Record Owner of Easement: Joseph A. Young. Joseph J. Young and Frances T. Young
Benefitted Property: 43 Jefferson Avenue, Nantucket, MA
Mailing Address: 4000 Massachusetts Avenue, N.W. #716, Washington, D.C.
Title Reference: Certificate of Title No. 23529

Any and all trees, vegetation, structures and improvements at the Parcels are included in this Order of Taking.

The damages sustained by the supposed owner(s) listed above by reason of this taking of the Parcels are valued and awarded in a resolution of even date adopted by the Board of Selectmen in accordance with Massachusetts General Laws Chapter 79, as amended.

If any party named hereinabove as an owner of any Parcels taken hereby is not a true owner of said Parcels, then the award is made only to the true owner(s) of said Parcels.

(Remainder of Page Intentionally Blank. Signatures Follow on Next Page.)

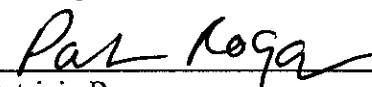
Adopted under seal this 17 day August, 2011

TOWN OF NANTUCKET
BY ITS BOARD OF SELECTMEN



Rick Atherton

Whiting Willauer



Patricia Roggeveen



Michael Kopko

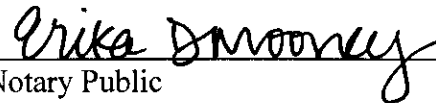


Robert DeCosta

COMMONWEALTH OF MASSACHUSETTS

Nantucket County, ss

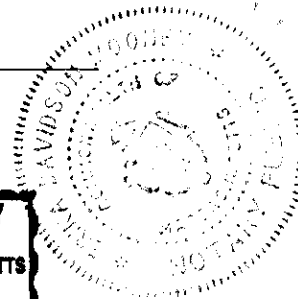
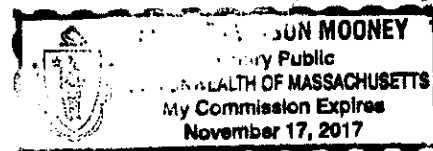
On this 17 day of August, 2011, before me, the undersigned notary public, personally appeared Patricia Roggeveen, ~~Whiting Willauer~~, Rick Atherton, Michael Kopko, and Robert DeCosta, as members of the Board of Selectmen of the Town of Nantucket, proved to me through satisfactory evidence of identification, which was personal knowledge of the undersigned, to be the persons whose names are signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose as the free act and deed of the Board of Selectmen of the Town of Nantucket.



Notary Public

My commission expires:

431450/NANTYDSALE/0001





Town of Nantucket

♦♦♦♦♦

OFFICE OF THE TOWN & COUNTY CLERK

16 Broad Street
NANTUCKET, MASSACHUSETTS 02554-3590

Catherine Flanagan Stover, MMC, CMMC
Town & County Clerk

(508) 228-7216
FAX (508) 325-5313
Home: (508) 228-7841
Email: cstover@nantucket-ma.gov
townclerk@nantucket-ma.gov

WEBSITE: <http://www.nantucket-ma.gov>

♦♦♦♦♦

April 19, 2011

TO WHOM IT MAY CONCERN:

I, Catherine Flanagan Stover, duly elected Clerk of the Town and County of Nantucket, hereby certify that the April 4, 2011 ANNUAL TOWN MEETING adopted **Article 107: "Real Estate Acquisition: Various "Paper" Streets"** at the April 4, 2011 adjourned session when ...the adoption of all articles not heretofore acted upon as recommended by the Finance Committee, or as recommended by the Planning Board was duly motioned and seconded.

VOTE: The vote on the motion pursuant to Article 107 as moved by the Finance Committee, was by Unanimous Voice Vote. The motion was adopted.

Catherine Flanagan Stover, MMC, CMMC
Town and County Clerk

ARTICLE 107

(Real Estate Acquisition: Various "Paper" Streets)

To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift or eminent domain, for public ways, open space and/or general municipal purposes the fee title or lesser interests, together with any public and private rights of passage, in all or any portions of the following unconstructed right of ways:

- Proprietors Road in the Shimmo area known as Gardner Road bounded by the northeastern lot line of Parcels 131, 132, 133, the northeastern sideline of South Valley Road, the northeastern lot line of Parcels 134 and 135, the southeastern sideline of North Road, the southwestern lot line of Parcels 85, 86, and 92, and the northwestern lot line of Parcel 96; all as shown on Assessor Map 43;
- Vestal Street bounded by the southern sideline of Dukes Road, the northern lot line of Parcels 244, 267 and 268, a line extending across Vestal Street from the northeastern corner of Parcel 268 to the southeastern corner of Parcel 246, and the southern sideline of Parcels 246 and 245; all as shown on Assessor Map 56;
- Pollock (a.k.a. Pollack) Avenue and High Street between the southern sideline of Morgan Square and the northern sideline of Western Avenue; Morgan Square bounded by a line extending the southern sideline of Brooks Avenue across Morgan Square, the western and southern lot lines of Parcel 3.4, the southern lot line of Parcel 3.3, a line extending the eastern lot line of Parcel 3.3 across Morgan Square; a northern lot line of Parcel 4, the northern sideline of High Street, the northern lot line of Parcel 91, the northern sideline of Pollock (aka) Pollack) Avenue and the western and a northern lot lines of Parcel 86; and Western Avenue bounded by the southern lot lines of Parcel 93, 4, and 91 and the southern sidelines of Pollock Avenue, Washington Street and High Street, northern and western lot lines of Parcel 36, and eastern by a line extending across Western Avenue extending from the western lot line of Parcel 84; all as shown on Assessor Map 87;
- Orleans Road between the southwestern sideline of Boston Avenue and the northern sideline of Brewster Road; all as shown on Assessor Map 54;
- Hulbert Avenue Extension between a line perpendicular to the western sideline at a point where the northeast corner of Assessor Map 30 Parcel 49 intersects Hulbert Avenue Extension to Nantucket Sound;
- Sherburne Turnpike-Lot P-5 as shown on a plan entitled "Proposed Modification of Sherburne Turnpike (a.k.a. Sherburne Avenue) dated February 2007, by Blackwell and Associates, Inc." and on file at the Nantucket Registry of Deeds at Plan No. 2008-62;

And, to see if the Town will vote to appropriate, borrow pursuant to applicable statute or transfer from available funds, a sum of money for such purposes.

All as shown on a map entitled "2011 Annual Town Meeting Warrant Article 107" dated January 2011 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Board of Selectmen)

FINANCE COMMITTEE MOTION: Moved that the Board of Selectmen be authorized to acquire by purchase, gift or eminent domain, for public ways, open space and/or general municipal purposes the fee title or lesser interests, together with any public and private rights of passage, in all or any portions of the following unconstructed right of ways identified in Article 107 of this Warrant, all as shown on a map entitled "2011 Annual Town Meeting Warrant Article 107" dated January 2011.

Doc No: 00134439

NANTUCKET COUNTY LAND COURT
REGISTRY DISTRICT

** RECEIVED FOR REGISTRATION **

On: Aug 19, 2011 at 01:14P

Document Fee: 75.00 Rec Total: \$300.00

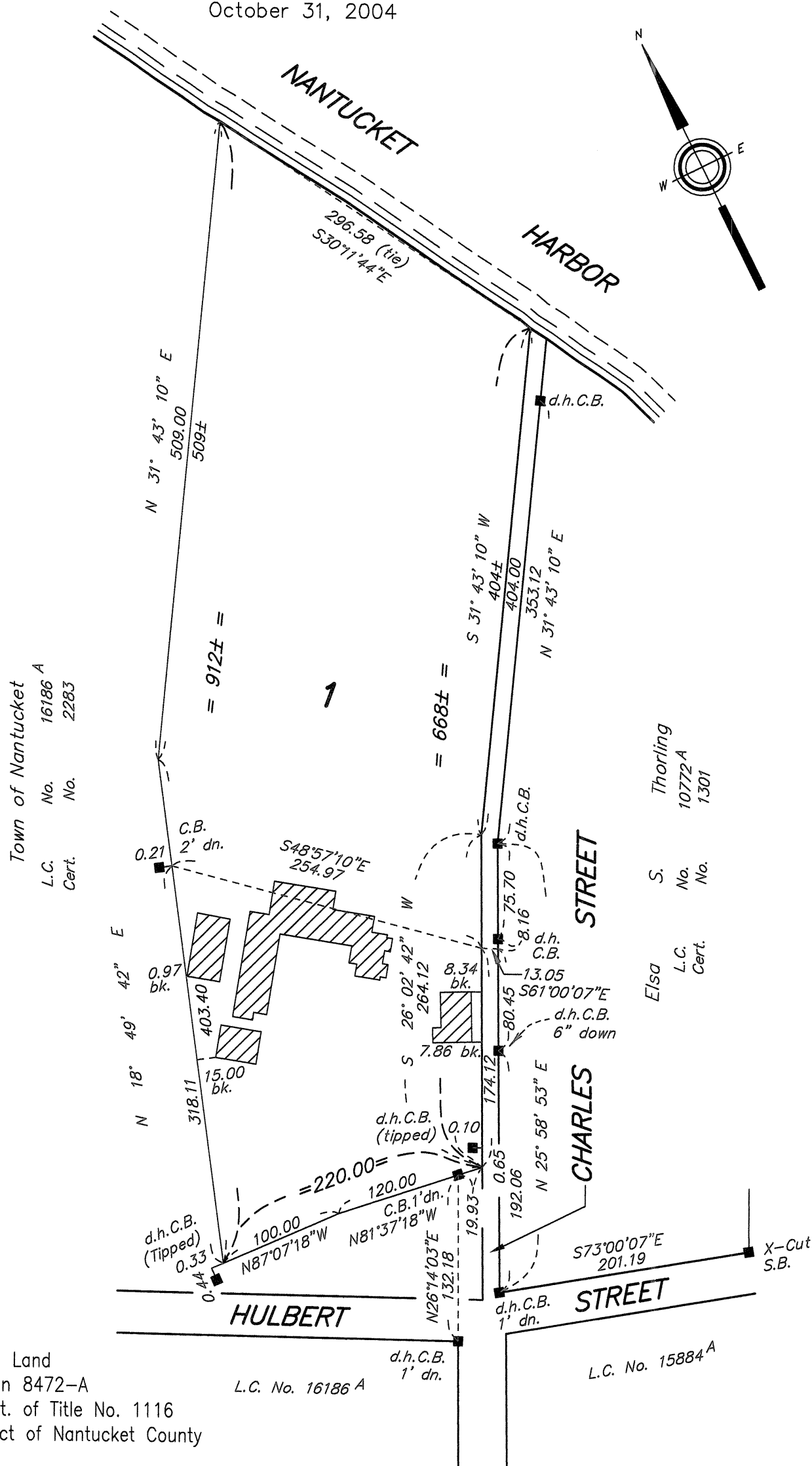
CERTIFICATE No: 23529

SUBDIVISION PLAN OF LAND IN NANTUCKET

Nantucket Surveyors Inc., Surveyors

October 31, 2004

8472^B



Subdivision of Land
Shown on Plan 8472-A
Filed with Cert. of Title No. 1116
Registry District of Nantucket County

L.C. No. 16186 A

L.C. No. 15884 A

Separate certificates of title may be issued for land
shown hereon as Lot 1
By the Court.

Deborah J. Patterson
Recorder

OCT. 13, 2006

TIG -06XF

Copy of part of plan
filed in
LAND REGISTRATION OFFICE
March 10, 2005
Scale of this plan 100 feet to an inch
G.T. Capelianis, Engineer for Court

THIS PLAN FILED WITH CERTIFICATE NO. 21086



2006 00000024

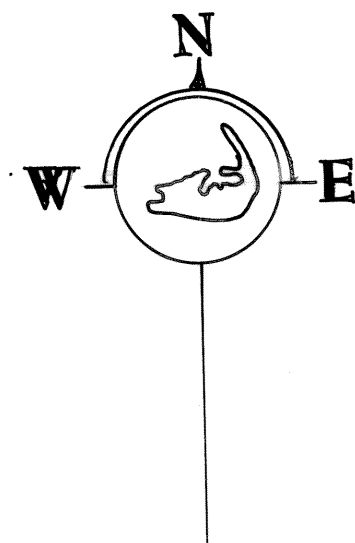
Cert: Doc: FP

Registered: 10/24/2006 01:26 PM

Nantucket Registry District
October 24, 2006
RECEIVED FOR REGISTRATION
1 O'CLOCK 26 M P M

THIS PLAN FILED WITH CERTIFICATE NO. 21086

Attest Jennifer H. Ferreira
Assistant Recorder



- Denotes Concrete Bound found.
- Denotes Iron Pipe found.
- Denotes Steel spike set.

n/f Bruce F. Jr. & Leigh Q. Failing
Lot 1 LC 11130-B Cert. 12/50

n/f Philip & Colleen Hempleman
Lot A-1 LC 15800-C Cert. 16394

APPROVED BY THE NANTUCKET
BOARD OF SELECTMEN
Lyndell M. Sorensen
James J. Sorensen 05/09/01
James J. Sorensen
MFE
DATE: MAY 2, 2001

Pedestrian Access Easement Plan within Johnson St. between Hulbert St. and Nantucket Harbor

This plan is prepared in accordance with Article 97 at the 1997 annual
Town meeting.

Scale lin. = 20 ft. March 8, 2001
AS PREPARED FOR
TOWN AND COUNTY OF NANTUCKET

NANTUCKET REGISTRY
OF DEEDS
Date: December 20, 2001
Time: 9:50 A.M.
Plan No: 01-48
Joanne L. Kelley
Register

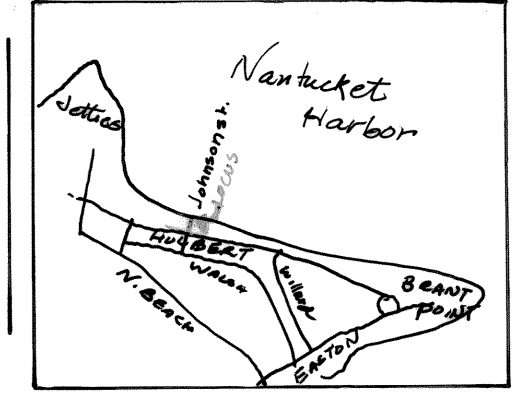
HULBERT

JOHNSON
STREET

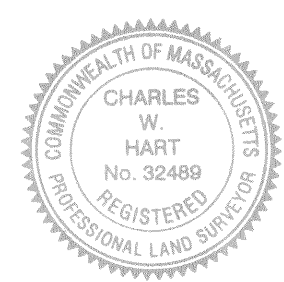
STREET

NANTUCKET
HARBOR

KEY MAP



Scale lin. = 2000 ft.



I hereby certify that the property lines shown
on this plan are the lines dividing existing
ownerships, and the lines of the 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.
This is not a certification as to the title
or ownership of the property shown.
Owners of adjoining properties are shown
according to current Assessors records.
I certify that the preparation of this plan
is in accordance with the rules and
regulations of the Registers of Deeds.

Date: 3-8-01
Charles W. Hart
Professional Land Surveyor

CHARLES W. HART & ASSOC., INC.
PROFESSIONAL LAND SURVEYORS
SANFORD BOAT BUILDING
49 SPARKS AVENUE
NANTUCKET, MASS. 02554
(508) 228-8910

SCALE: 1" = 20'



DATE: March 8, 2001	SHEET
DRAWN: J.E.N.	
CHECKED: C.W.H.	
FIELD BOOK: 30-45	
JOB NO: H-5407	OF 1

Document No. 104799

Document No. 104799

EASEMENT +

AGREEMENT

Virginia
Notary Public
NOV 06 2003

RECEIVED FOR REGISTRATION

2 O'CLOCK 50 m P M

NOTED ON CERTIFICATE NO. 12150

IN REGISTRATION BOOK PAGE

ATTEST James J. Kelley ASST RECORDER

NOTED ON CERTIFICATE NO. 16394

NOTED ON CERTIFICATE NO. 19052

000266

104799

AGREEMENT AND GRANT OF EASEMENT

WE, (a) BRUCE FIELD FAILING, JR. and LEIGH QUINCY FAILING (hereinafter "Failing"), the owners of the land in Nantucket, Massachusetts located at 63 Hulbert Avenue and shown as Lot 1 on Land Court Plan No. 11130-B by virtue of Certificate of Title No. 12150 at the Nantucket Registry District (hereinafter "Failing Land") and (b) PHILIP J. HEMPLEMAN and COLLEEN G. HEMPLEMAN (hereinafter "Hempleman"; Failing and Hempleman are referred to collectively herein as the "Servient Owners"), the owners of the land in said Nantucket located at 61 Hulbert Avenue and shown as Lot A-1 on Land Court Plan No. 15800-C by virtue of Certificate of Title No. 16394 at the Nantucket Registry District (hereinafter "Hempleman Land"; the Failing Land and the Hempleman Land are referred to collectively herein as the "Servient Lands"), holders of appurtenant rights in the roadway lying between the Failing Land and the Hempleman Land shown upon Land Court Plan Nos. 11130-B and 15800-C as "Johnson Street" by virtue of Certificates of Title No. 12150 and 16394 respectively (hereinafter "Johnson Street"), in consideration of the sum of ONE DOLLAR and other good and valuable consideration, the receipt of which is hereby acknowledged, GRANT TO: WHITNEY A. GIFFORD, TRUSTEE of SIXTY-TWO HULBERT AVENUE NOMINEE TRUST u/d/t dated August 13, 1999 and registered as Document No. 86204 at the Nantucket Registry District (hereinafter "Gifford"), the owner of the land in Nantucket, Massachusetts located at 62 Hulbert Avenue and shown as Lot B-1 on Land Court Plan No. 15800-C by virtue of Certificate of Title No. 19052 at the Nantucket Registry District (hereinafter "Gifford Land") and the holder of appurtenant rights in Johnson Street by virtue of Certificate of Title No. 19052,

(a) a permanent, non-exclusive easement appurtenant to the Gifford Land over a certain portion of Johnson Street shown upon an easement plan entitled "Easement Plan" (the "Easement Plan") prepared by Charles W. Hart & Associates, Inc., dated June 20, 2003 and revised August 8, 2003 that is attached hereto as Exhibit "A" as "8 Ft. Wide Easement" (hereinafter the "Pedestrian Easement Parcel") to pass and repass by foot upon and over the Pedestrian Easement Parcel and

(b) a permanent, non-exclusive view easement appurtenant to the Gifford Land over both a certain portion of the Failing Land shown upon the Easement Plan as "View Easement Parcel" (hereinafter the "View Easement Parcel") and Johnson Street (collectively, the View Easement Parcel and Johnson Street are referred to herein as the "View Easement Area") for an unobstructed view of Nantucket Harbor from the Gifford Land.

The Servient Owners hereby jointly and severally covenant and agree with Gifford to maintain the Pedestrian Easement Parcel for pedestrian passage from Hulbert Avenue to Nantucket Harbor, in the following manner:

(a) The existing dirt footpath within the Pedestrian Easement Parcel shall be maintained so as to be open for foot passage with a width of about five feet, except that a width of about three feet shall be maintained within the portion of the Pedestrian Easement Parcel which lies within beach grass. Vegetation on each side of the footpath

APPROVED FOR REGISTRATION
BY THE COURT.

Shirley R. Grandfield

shall be trimmed so that no vegetative material shall grow over any portion of the footpath. The remainder of the Pedestrian Easement Parcel may, at the election of the Servient Owners but subject to the limitations set forth herein, remain in a vegetated condition, and new plantings may be placed therein by the Servient Owners and their agents.

(b) One or two wooden steps shall be maintained at the point where a timber retaining wall crosses the Pedestrian Easement Parcel, as shown upon the Easement Plan.

(c) The Servient Owners shall have the right to install a wooden wave barrier, as now existing, at the bulkhead along the beach within Johnson Street during all or portions of the months of November, December, January, February, March and April in each year, and also from time to time whenever forecasts of severe coastal storms or other weather emergencies indicate that the Servient Lands may be subject to significant risk of erosion or flooding.

Notwithstanding anything herein to the contrary, the Servient Owners shall not construct any structures in the View Easement Area nor permit the view of Nantucket Harbor from the Gifford Land over the View Easement Area to be obstructed in any way except as provided herein. Subject to the limitations set forth in this Agreement and Grant of Easement, the Servient Owners may plant or permit vegetation to grow in the View Easement Area. Nevertheless, the Servient Owners hereby jointly and severally covenant and agree with Gifford to limit the height of all vegetation within, on, and over the View Easement Area to a maximum height of no greater than seven feet (7 ft.) from existing grade to provide Gifford with an unobstructed view of Nantucket Harbor from the Gifford Land.

In the event that vegetation within the View Easement Area shall exceed a maximum height of seven feet (7 ft.) from existing grade or shall grow over any portion of the footpath as described above, then, in that event, Gifford shall have the right to enter the View Easement Area to trim the vegetation in a careful manner so that the vegetation complies with the terms hereof after having given the Servient Owners prior fourteen (14) day written notice by certified mail, return receipt requested, that vegetation in the View Easement Area violates the terms hereof and after the Servient Owners have failed, refused, or neglected to trim the vegetation accordingly; the parties agree that such written notice and the Servient Owners' failure to trim the vegetation as required hereunder are conditions precedent to Gifford's right to trim the vegetation under this Agreement and Grant of Easement.

It is acknowledged that Johnson Street and the View Easement Parcel are subject, in whole or in part, to the provisions of the Massachusetts Wetlands Protection Act and the Nantucket Wetlands Protection By-law. Accordingly, any maintenance or other work to be performed hereunder may necessitate the filing of a Notice of Intent or Request for Determination of Applicability with the Nantucket Conservation Commission and the Massachusetts Department of Environmental Protection. The Servient Owners are jointly and severally responsible for maintaining Johnson Street, including the Pedestrian Easement Parcel, and the View Easement Parcel as specified herein, and in conjunction with such responsibility, they shall be responsible for filing any required Notices of Intent and Requests for

Determination, together with any other required permit applications and materials, and for diligently pursuing the approval thereof.

Notwithstanding anything herein to the contrary, Hempleman shall not be bound by the terms of this Agreement and Grant of Easement with respect to the View Easement Parcel that is located entirely on the Failing Land, and Gifford shall not be required to give Hempleman notice with respect to any violation of this Agreement and Grant of Easement that concerns all or a portion of the View Easement Parcel and that does not also concern all or a portion of Johnson Street.

Notwithstanding anything herein to the contrary, Failing, Hempleman and Gifford covenant and agree that this Agreement and Grant of Easement shall not be construed to limit, nor shall it constitute a waiver of, any of the rights of Gifford to clear and use the entire length (to the low-water mark of Nantucket Harbor or so far as private ownership may extend) and the entire 33.95-foot width of Johnson Street in accordance with Gifford's rights therein by virtue of Certificate of Title No. 19052, except that Gifford agrees to refrain from clearing and using the portion of Johnson Street on the landward side of the "Timber Bulkhead" line as shown on the Easement Plan other than as provided in this Agreement and Grant of Easement as long as Failing and Hempleman agree to abide by and comply with the provisions of this Agreement and Grant of Easement.

To the extent that any provisions of this Agreement and Grant of Easement are deemed to constitute restrictions subject to the limiting provisions of M.G.L. c. 184, §§ 26 –30, then all such restrictions shall be binding upon the parties hereto and their heirs, successors and assigns from the date of recording hereof and shall remain in full force and effect in accordance with the provisions of M.G.L. c. 184, § 27, as it may be amended from time to time, or as provided in similar successor provisions, which provisions of M.G.L. c. 184, § 27, permit the extension of the period of enforceability of said restrictions by the recording of an extension in accordance with the provisions of said law before the expiration of the first thirty (30) years from the date of recording hereof, and before the expiration of each succeeding twenty (20) year period thereafter, or for such other maximum further periods of time as may be allowed by any amendments of said law or by any successor provisions.

This Agreement and Grant of Easement shall run with the Failing Land, the Hempleman Land and the Gifford Land, and it shall be binding and confer benefits upon, as applicable, any and all heirs, successors and assigns of Failing, Hempleman and Gifford who now or hereafter may hold an interest in all or a portion of the Failing Land, Hempleman Land or Gifford Land. Failing, Hempleman and Gifford agree to incorporate by reference the terms of this Agreement and Grant of Easement in any deed, easement, mortgage, lease, license, occupancy agreement or other instrument by which they divest themselves of any interest, including, without limitation, a leasehold interest, in all or a portion of the Failing Land, Hempleman Land or Gifford Land.

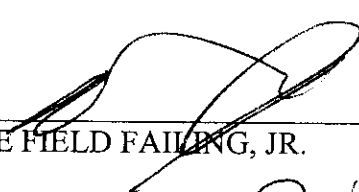
The parties hereto are only entering into this Agreement and Grant of Easement with respect to their rights in Johnson Street and the View Easement Parcel. The parties do not intend for this Agreement and Grant of Easement to diminish the existing rights of Gifford or others, if any, in Johnson Street.

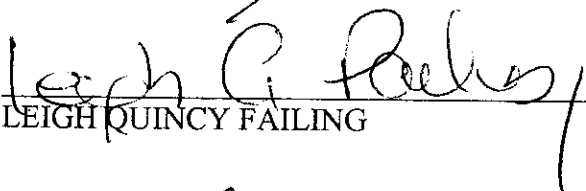
for this Agreement and Grant of Easement to diminish the existing rights of Gifford or others, if any, in Johnson Street.

If any provision or condition of this Agreement and Grant of Easement is deemed to be invalid or unenforceable, the remaining provisions and conditions shall remain in full force and effect and they shall be valid and enforceable to the fullest extent permitted by law.

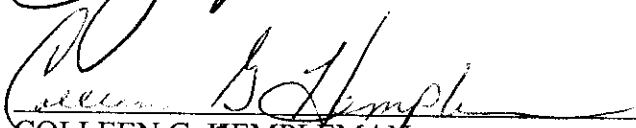
This Agreement and Grant of Easement may be signed in multiple counterparts which, when viewed together, shall constitute one fully executed instrument.

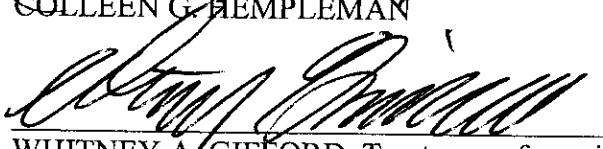
WITNESS our hands and seals this 24th day of June 2003.



BRUCE FIELD FAILING, JR.

LEIGH QUINCY FAILING

PHILIP J. HEMPLEMAN

COLLEEN G. HEMPLEMAN

WHITNEY A. GIFFORD, Trustee as aforesaid

Nantucket
Fairfield, ss.

Commonwealth of Massachusetts
~~STATE OF CONNECTICUT~~

June 24, 2003

Then personally appeared the above-named Bruce Field Failing, Jr. and acknowledged the foregoing instrument to be his free act and deed, before me.

Notary Public:

My Commission Expires:

KEVIN F. DALE
NOTARY PUBLIC
Commission Expires Feb. 26, 2004

~~STATE OF CONNECTICUT~~

~~Fairfield, ss.~~

~~, 2003~~

~~Then personally appeared the above-named Leigh Quincy Failing and acknowledged the foregoing instrument to be her free act and deed, before me.~~

~~Notary Public:~~

~~My Commission Expires:~~

STATE OF CONNECTICUT

Fairfield, ss.

, 2003

Then personally appeared the above-named Philip J. Hempleman and acknowledged the foregoing instrument to be his free act and deed, before me.

Notary Public:

My Commission Expires:

STATE OF CONNECTICUT

Fairfield, ss.

July 21, 2003

Then personally appeared the above-named Colleen G. Hempleman and acknowledged the foregoing instrument to be her free act and deed, before me.

Notary Public:

My Commission Expires:

KEVIN F. DALE
NOTARY PUBLIC
Commission Expires Feb. 26, 2004

COMMONWEALTH OF MASSACHUSETTS

Nantucket, ss.

August 26, 2003

Then personally appeared the above-named Whitney A. Gifford, Trustee of Sixty-two Hulbert Avenue Nominee Trust, and acknowledged the foregoing instrument to be his free act and deed, as Trustee, before me.

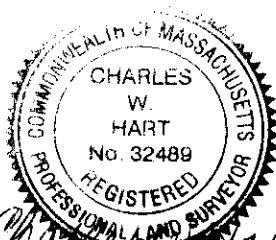
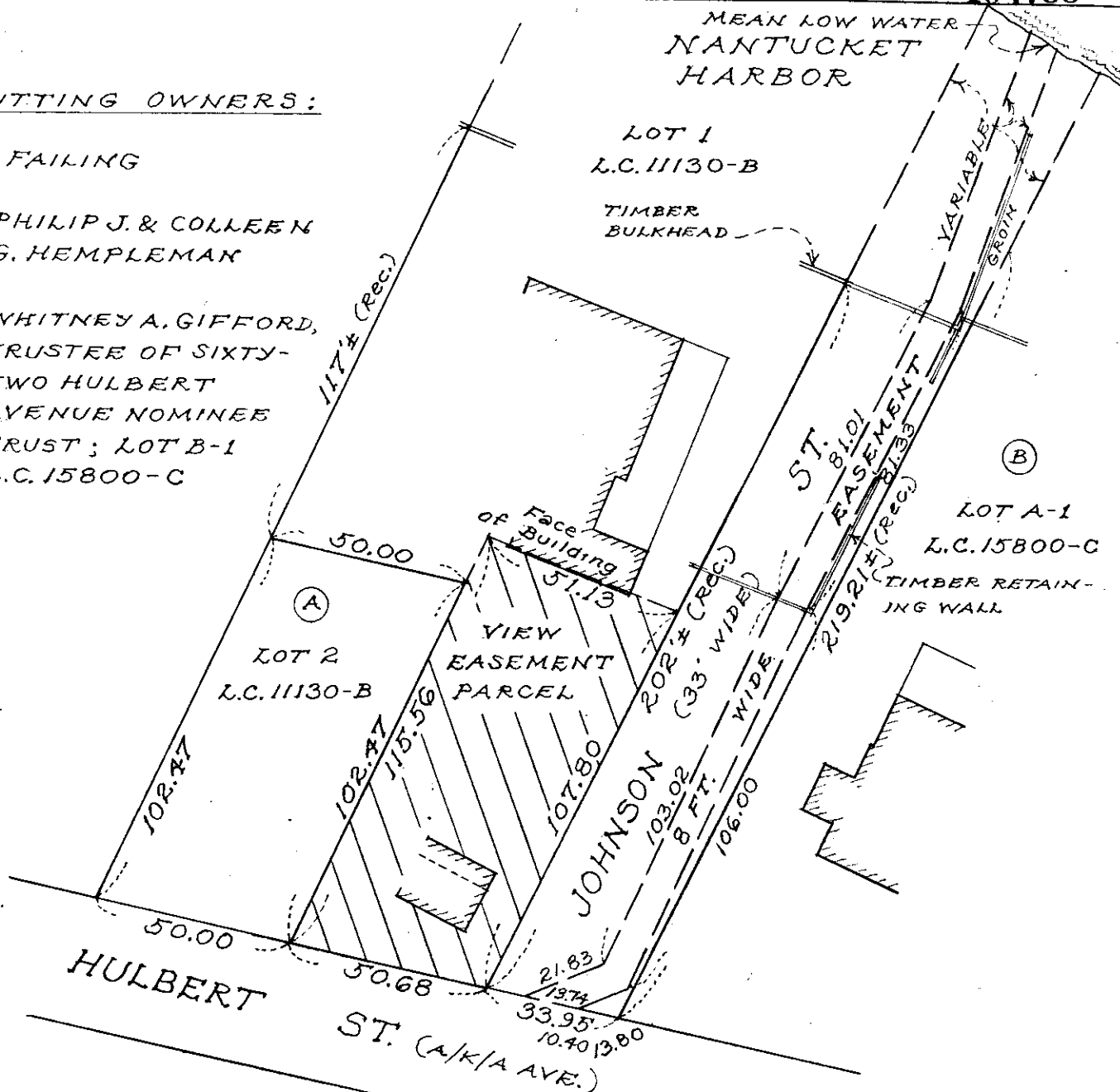


Notary Public:

My Commission Expires: 1/23/09

ABUTTING OWNERS:

- (A) FAILING
- (B) PHILIP J. & COLLEEN
G. HEMPLEMAN
- (C) WHITNEY A. GIFFORD,
TRUSTEE OF SIXTY-
TWO HULBERT
AVENUE NOMINEE
TRUST; LOT B-1
L.C. 15800-C



8-8-03

(C) EASEMENT PLAN
OF LAND IN
NANTUCKET, MASS.

Rev. 8-8-03
SCALE: 1" = 40' DATE: 6-20-03

Owner: BRUCE F. JR. & LEIGH Q.
FAILING LOTS 1 & 2;
Deed: L.C. CERT. 12150 Plan L.C. 11130-B

Locus .63 HULBERT AVENUE

CHARLES W. HART & ASSOCIATES, Inc.
SANFORD BOAT BUILDING
49 SPARKS AVENUE
NANTUCKET, MASS. 02554

(508) 228-8910

H-5407

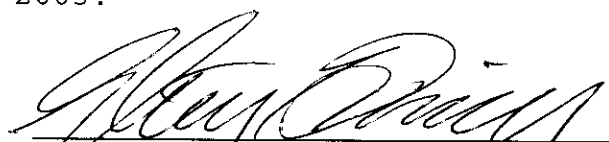
EXHIBIT "A"

TRUSTEE'S CERTIFICATE

I, WHITNEY A. GIFFORD, Trustee of SIXTY-TWO HULBERT AVENUE NOMINEE TRUST, do hereby certify that:

1. I am the sole Trustee of Sixty-Two Hulbert Avenue Nominee Trust under Declaration of Trust dated August 13, 1999, registered with Nantucket Registry District as Document No. 86204.
2. Said Trust is in full force and effect and has not been altered, amended, or revoked.
3. All of the beneficiaries of the Trust are of full age, and not under any disability.
4. I have been duly authorized by all of the beneficiaries of said Trust to execute, acknowledge, and deliver the attached Agreement and Grant of Easement dated June 24, 2003.

Executed and sealed on August 26, 2003.

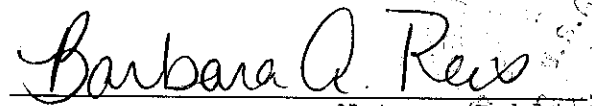

Whitney A. Gifford, Trustee of
Sixty-Two Hulbert Avenue
Nominee Trust

COMMONWEALTH OF MASSACHUSETTS

Nantucket, ss.

August 26, 2003

Then personally appeared the above-named Whitney A. Gifford, Trustee of Sixty-Two Hulbert Avenue Nominee Trust, and acknowledged the foregoing instrument to be his free act and deed, before me,


Notary Public

Printed name: Barbara A. Reis
My commission expires:

BARBARA A. REIS
Notary Public
My Commission Expires
January 23, 2009



2020 00003121

Bk: 1777 Pg: 35 Page: 1 of 9
Doc: EASE 11/02/2020 08:40 AM

2020 00167049

Cert: 24582 Doc: EASE
Registered: 11/02/2020 08:45 AM

GRANT OF EASEMENT

KNOW ALL MEN BY THESE PRESENTS, that 55 Hulbert LLC, a Massachusetts limited liability company, having an address of 2800 Kenilworth Place, Minneapolis, Minnesota 55405 (the "Grantor"), in consideration of One Dollar (\$1.00) paid and in consideration of the conveyance of Parcel B, James Street, Nantucket, Massachusetts by Deed of Grantee simultaneously filed with Nantucket Registry District of the Land Court and recorded with Nantucket County Registry of Deeds, do hereby GRANT to the Town of Nantucket (the "Town"), a body politic of the Commonwealth of Massachusetts, having offices at 16 Broad Street, Nantucket, Massachusetts 02554, by and through its Select Board, (the "Grantee"), with QUITCLAIM COVENANTS, the following rights, title and interests:

1. A perpetual easement coextensive with and limited to the Easement Area of Grantor's Lands. The terms "Easement Area" and "Grantor's Land," as well as other terms used in this Grant of Easement, are defined below in Paragraph 2. The scope of the affirmative perpetual easement herein granted is more fully defined, limited, and subject to the conditions and covenants set forth in the following paragraphs.

2. Definitions for the purposes of this Grant of Easement:

"Grantor's Land" shall mean two certain parcels of land situated in the Town and County of Nantucket, Massachusetts, at 55 Hulbert Avenue being described in Certificate of Title No. 24582 filed with said Registry District of the Land Court and is shown on Assessor's Map 29 as portion of Parcel 12 and Parcel B, James Street, shown on a plan of land entitled "Disposition Plan of Land in Nantucket, Mass. Prepared for 55 Hulbert LLC," dated September 30, 2019, recorded with Nantucket County Registry of Deeds as Plan No. 2019-53 (the "Plan") and in a Deed recorded with said Deeds in Book 1777, Page 24 ..

"coastal bank" shall mean the seaward face or side of any elevated landform, other than a coastal dune, which lies at the landward edge of a coastal beach, land subject to tidal action, or other wetland.

"coastal dune" shall mean any natural hill, mound or ridge of sediment landward of a coastal beach deposited by wind action or storm overwash, including without limitation vegetated areas of American beach grass or other natural beach plants serving to build dunes in dune fields between the landward edge of unvegetated sand and the seaward face or side of the coastal bank. Coastal dune also means sediment deposited by artificial means and serving the purpose of storm damage prevention or flood control.

"Easement Area" shall mean that part or portion of Grantor's Land lying inland of the mean low water line up to and along the seaward edge of the coastal dunes, or if no coastal dunes are present up to and including the seaward edge of the wooden bulkhead located on the Grantor's Land as it currently exists. To the extent that erosion, accretion, drifting sand, avulsion or other natural phenomena alter the mean low water line, the coastal bank or the coastal dune as they may exist, or the reconstruction of the bulkhead between its existing location and Hulbert Avenue, the Easement Area shall be deemed correspondingly altered for purposes of this Grant of Easement. The Easement Area as it currently exists is shown as "One Big Beach Easement Area over Parcel B" containing 261± square feet on said Plan.

"Coastal Conservation Land" shall mean that ocean-front land, contiguous to Grantor's Land, now or hereafter owned by the Town or by the Nantucket Islands Land Bank, a government body established for the purpose of land conservation (see, Chapter 669 of the Massachusetts Acts of 1983, as amended), and held for the purpose of preserving the unique natural littoral environment of Nantucket for enjoyment by the general public, and for protecting the scenic and ecological character of the Nantucket shore.

"Commercial Activities" shall mean any activity or event where money is paid to an individual or business entity for services rendered within the Easement Area. By way of illustration only and without limitation, the erection or use of any permanent or temporary structure, kiosk, dock, mooring, stand, cart, sign for advertisement, or other real or personal property, fixtures, or equipment primarily for the purpose of, or incidental or accessory thereto, manufacturing, selling, leasing or otherwise providing from that specific structure or arising from such use any property, good, product or service.

"conservation" and "recreation" and all derivations therefrom, shall have the general meanings and uses given to those terms by Internal Revenue Code, Section 170(h), and the regulations promulgated thereunder.

"mean high water line" shall mean the line where the arithmetic mean of the high water heights observed over a specific 19-year metonic cycle (the National Tidal Datum Epoch) meets the shore and shall be determined using hydrographic survey data of the National Ocean Survey of the U.S. Department of Commerce.

"mean low water line" shall mean the line where the arithmetic mean of the low water heights observed over a specific 19-year metonic cycle (the National Tidal Datum Epoch) meets the shore and shall be determined using hydrographic survey data of the National Ocean Survey of the U.S. Department of Commerce.

"intertidal areas" shall mean the area upland of the mean low water line and seaward of the mean high water line, subject to tidal action.

"Maintenance Obligation" shall mean the ongoing and continuous obligation and duty to adequately patrol, maintain and police (that is, supervise, clean, and maintain order, but not to be required to provide regular patrolling by law enforcement officers) environmental resources in accordance with the Nantucket Beach Management Plan as the same may be amended from time to time and State and local law, and periodically to inspect the Easement Area.

3. The Grantee and the general public shall have the right to enter upon and use the Easement Area exclusively for conservation and recreational purposes for which beaches are used on Nantucket (with the exception of the vehicular uses that are provided in paragraph 4), but not Commercial Activities. These purposes and uses include, by way of illustration and without limitation, educational uses, swimming, fishing, surfboarding, snorkeling, sunbathing, strolling, walking, hiking, wildlife observation, picnicking, scenic viewing, normal and usual beach recreational activities and games, and other similar or appropriate and reasonable recreational outdoor activities and uses as the Grantee, shall determine from time to time, provided the said similar uses shall have been approved in writing by the Select Board of the Town of Nantucket and notice of such approval is duly published in a newspaper of general circulation in the Town of Nantucket. The Grantee shall regulate the hours and the scope and nature of the permitted uses and activities in accordance with the Grantee's standard beach-management practices in effect for the beaches of Nantucket as found in the Town of Nantucket Beach Management Plan, as adopted by the Nantucket Select Board on June 1, 2005 and "Regulations for the Use of Town-Owned Beaches", said regulations effective August 1, 2003 as amended August 4, 2004 as may be amended from time to time, and further the Grantee may grant special permits, from time to time, with the prior written approval from the Grantor, for such other uses and activities and for extended hours, from time to time, as may be provided for by such duly adopted rules, regulations and/or bylaws. In adopting such rules, regulations and/or bylaws, and in issuing special permits pursuant thereto, the Grantee (together with any applicable departments or other divisions, boards, bodies, agencies, officials or agents of the Town) shall use reasonable efforts to minimize reasonably foreseeable adverse effects of such rules, regulations and/or bylaws and permits proposed to be issued upon the reasonable peaceful enjoyment of the Grantor's Land lying outside the Easement Area and upon the Easement Area and shall in no event authorize and the Town shall use reasonable efforts to prohibit any Commercial Activities within the Easement Area, nor in any way compromise the liability protection now afforded to Grantor by M.G.L. c. 21, §17C or any revised or replacement statute that affords liability protection which is substantially similar to that now afforded by M.G.L. c. 21, §17C. Notwithstanding the foregoing, no member of the general public shall have any right to enter upon, travel over or use those portions of the Easement Area consisting of coastal dunes except with the prior written consent of Grantor or Grantor's heirs, executors, administrators, legal representatives, successors and/or assigns. Notwithstanding the foregoing, the Town shall have the right to enter upon, travel over or otherwise use those portions of the Easement Area consisting of coastal dunes as necessary to perform its Maintenance Obligation.

4. Notwithstanding the uses and activities set forth in paragraph 3 above, the Grantee shall not allow access and use of recreational vehicles in the Easement Area except as provided for herein below. Vehicular access and use shall be prohibited subject to such rules, regulations and bylaws previously adopted by the Grantee and now existing or hereafter adopted by the Grantee. The foregoing sentences shall not limit the official use of vehicles of the Town, its agencies or other governmental entities.

5. Notwithstanding the provisions of paragraphs 3 and 4 above, all movable or fixed structures and signage indicating the limits and/or access to the Easement Area shall be prohibited throughout the Easement Area except constructed steps to ascend and descend the coastal bank, and Grantor and/or Grantee may erect or maintain wire or snow fencing, signage or the like along the seaward edge of the coastal bank as may reasonably be warranted to protect the

coastal bank and coastal dune or any species listed by any applicable state or federal law or regulation as endangered or threatened so as to advance the conservation purposes for which this Easement is being granted, without unreasonably frustrating the recreational purposes of this Easement. If any structure(s) mandated under applicable state or federal law or regulation frustrate the purposes for which this Grant of Easement is being granted, such structures may be maintained only for as long as is legally required and the party that caused such structure(s) to be placed on the Easement Area shall be responsible for and shall remove such structures(s) within a reasonable period after such time.

6. In addition to any other duties and obligations, the Town shall have the ongoing and continuous obligation and duty to fulfill its Maintenance Obligation and to reasonably ensure that persons granted access pursuant to this easement fully comply with Massachusetts, local and federal laws protecting coastal areas and the use of this beach. Any member(s) of the public who violate(s) the duly adopted rules, regulations and/or bylaws or who refuse to cease and desist from any proscribed conduct, acts or omissions to do or perform anything required to conform to the same may be cited in accordance with said rules, regulations and/or bylaws. The Town may remove from the Easement Area any individual who violates any said rule, regulation and/or bylaw. Further, when issuing any permits pursuant to such rules, regulations and/or bylaws, the Town shall impose such reasonable conditions and restrictions that may be reasonably necessary to assure the Grantor the reasonable peaceful enjoyment of Grantor's Land lying outside the Easement Area.

7. This Grant of Easement shall be binding upon and inure to the benefit of the Grantor(s) and his/her/their heirs, executors, administrators, legal representatives, successors and assigns and this Grant of Easement shall be binding upon and inure to the benefit of the Grantee, and the Town and its successors and assigns. The Town's successors and assigns shall be entities eligible to hold qualified conservation restrictions under applicable federal tax law.

8. This Grant of Easement shall be subject to and interpreted pursuant to the laws of the Commonwealth of Massachusetts, and, to the extent applicable to shorefront property, also subject to the laws of the United States of America.

9. Rights retained by the Grantor(s) in and to the Easement Area shall be inferior and incidental to the conservation and recreational use of the Easement Area provided for here, and shall be valid to the extent consistent with this Grant of Easement, and only if exercised so as not to impair the conservation and recreational rights and interests conveyed to the Town hereunder. Said granted and retained rights shall exclude the right to physically alter the Easement Area, by any manual or mechanical means, in any way that would diminish the conservation and recreational purposes of this Grant of Easement. The Grantor(s) and the Town shall have the right to enforce the terms, conditions and provisions hereof by an action in equity brought in the Nantucket Superior Court of the Commonwealth of Massachusetts, and in no other courts or jurisdictions, but although the Nantucket Superior Court shall be the initial forum, nothing herein shall affect or diminish the Town's or Grantor's rights to appeal any decision made by such Court. The Grantor hereby agrees that no such action shall be commenced unless and until the Grantor shall have given thirty (30) days written notice to the Town, itemizing and detailing with particularity the alleged acts or omissions of the Town deemed to be in material violation of the

terms, conditions and/or provisions hereof. In the event that the Town shall have substantially cured such material violations and has taken reasonable measures to assure that incurable violations shall be avoided in the future, no such actions shall be commenced. However, in no event shall the Town be liable for any monetary damages based upon a violation (material or otherwise) hereof.

10. The Grantee has represented to the undersigned Grantor(s) that the Town has taken or shall promptly take all lawful measures for the Town to accept this Grant of Easement on behalf of itself and the Grantee and to undertake the Maintenance Obligation provided for herein. Grantor represents that he is the rightful lawful owner of the Grantor's Land and the Easement Area and that he possesses the legal authority to grant the rights in real property conveyed to Grantee under this Grant of Easement.

11. No term, covenant or provision of this Grant of Easement, nor the granting or acceptance hereof, shall be construed to be a waiver or release by Grantee or the Town of any right, title or interest it may hold relative to the Easement Area, any permanently submerged land, any coastal dune, any coastal bank or any other land affected by this Grant of Easement.

12. The Grantor shall be absolved from liability claims arising from accidents or injuries occurring to users of the Easement Area in accordance with the provisions of M.G.L. c 21, §17C or any revised or replacement statute that affords liability protection which is substantially similar to that now afforded by M.G.L. c. 21, §17C. Grantor may, in Grantor's discretion, close the Easement Area to public use in the event the landowner liability protection afforded in M.G.L. c. 21, §17C is repealed or altered in a manner which materially increases, in Grantor's reasonable opinion, Grantor's potential liability to public users of the Easement Area, and provided (a) no other statute or law affords Grantor, liability protection which is substantially similar to that now afforded by M.G.L. c. 21, §17C; or (b) Grantee elects not to provide reasonable insurance coverage or otherwise agrees to hold Grantor harmless against potential liability to public users of the Easement Area, except for liabilities directly caused by or arising from Grantor's gross negligence or willful misconduct. Upon the effective date of another statute or law affording to Grantor, in Grantor's counsel's reasonable opinion, with liability protection substantially similar to that now afforded by M.G.L. c. 21, §17C, or Grantee agreeing to provide reasonable insurance coverage or to otherwise hold Grantor harmless against potential liability to public users of the Easement Area (except for liabilities directly caused by or arising from Grantor's gross negligence or willful misconduct), then Grantor shall promptly open for public use all portions of the Easement Area then closed to the public. The Town shall use reasonable efforts not to compromise in any way the liability protection now afforded to Grantor by M.G.L. c. 21, §17C or any revised or replacement statute that affords liability protection which is substantially similar to that now afforded by M.G.L. c. 21, §17C.

13. Grantor and the Town shall not use the Easement Area in any manner detrimental to the Easement Area or inconsistent with the purpose of this Grant of Easement.

14. Any notices or deliveries required or permitted to be given to the Town pursuant to this instrument shall be in writing and delivered to the Select Board at the Town and County Building, 16 Broad Street, Nantucket, Massachusetts 02554. Any notices or deliveries required

or permitted to be given to Grantor pursuant to this instrument shall be in writing and delivered to Grantor at 2500 Kenilworth Place, Minneapolis, Minnesota 55405. All such notices shall be delivered by registered or certified mail, postage prepaid and receipt required, or overnight express courier with receipt required. Either the Town or the Grantor may change its address to which any notice is to be delivered by providing the other with reasonable notice of such new address in one of the manners specified above.

[Signatures Follow On Next Page]

In witness whereof, the undersigned Grantor, intending to be legally bound hereby, has affixed her hand and seal this 26th day of October, 2020.

GRANTOR: 55 HULBERT LLC

David M. Lilly, Jr.
David M. Lilly, Jr., Manager

Commonwealth of Massachusetts
~~STATE OF MINNESOTA~~

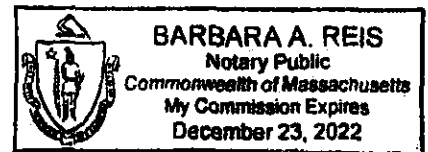
Nantucket, ss

On this 26th day of October, 2020 before me, the undersigned notary public, personally appeared David M. Lilly, Jr., Manager of 55 Hulbert LLC, proved to me through satisfactory evidence of identification, which was personal knowledge, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

Barbara A. Reis

Notary Public

My commission expires:



ACCEPTANCE BY THE TOWN OF NANTUCKET

The undersigned, constituting a majority of the Town of Nantucket Select Board, hereby acknowledge that at a meeting of the Select Board held on October 28, 2020, the forgoing Grant of Easement was accepted pursuant to the authority of Section 3.3 of Chapter 289 of the 1996 Acts of the General Court, pursuant to which we have directed publication of notice regarding this acceptance.

Executed this 28 day of October, 2020.

TOWN OF NANTUCKET

By its Select Board

Dawn E. Hill Holdgate

Jason Bridges

Matthew G. Fee

Kristie L. Ferrantella

Melissa K. Murphy

COMMONWEALTH OF MASSACHUSETTS

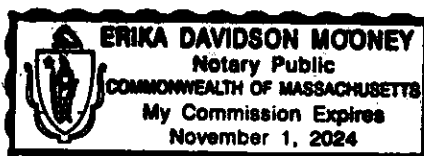
Nantucket, ss

On this 30 day of October, 2020, before me, the undersigned notary public personally appeared, ~~Dawn E. Hill Holdgate~~, Jason Bridges, Matthew G. Fee, Kristie L. Ferrantella and Melissa K. Murphy as members of the Select Board of the Town of Nantucket, and proved to me through satisfactory evidence of identification, which was personal knowledge of the undersigned, to be the persons whose names are signed on the preceding document, and acknowledged to me that they signed it voluntarily for its stated purpose as the free act and deed of the Select Board of the Town of Nantucket.

Notary Public

My Commission Expires:

708796v2NANT19712/0277



NANTUCKET COUNTY Received & Entered
Attest: Jennifer H. Ferreira, Register of Deeds

DOC No: 00167049

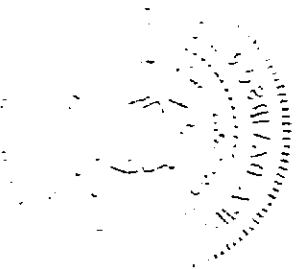
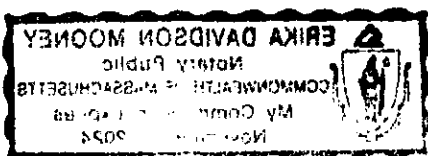
NANTUCKET COUNTY LAND COURT
REGISTRY DISTRICT

** RECEIVED FOR REGISTRATION **

On: Nov 02, 2020 at 08:45A

Document Fee: 105.00 Rec Total: \$210.00

CERTIFICATE No: 24582





2020 00003120

Bk: 1777 Pg: 30 Page: 1 of 6
 Doc: EASE 11/02/2020 08:40 AM



2020 00167048

Cert: 24582 Doc: EASE
 Registered: 11/02/2020 08:45 AM

PEDESTRIAN EASEMENT

KNOW ALL MEN by these presents that **55 Hulbert LLC, a Massachusetts limited liability company**, having an address of 2800 Kenilworth Place, Minneapolis, Minnesota 55405 (hereinafter "Grantor"), being the owner of land in Nantucket, Massachusetts, known as 55 Hulbert Avenue (the "Property") shown as Lot 1 on Land Court Plan No. 14811-B and Parcel B, James Street on a plan of land entitled "Disposition Plan of Land in Nantucket, Mass. Prepared for 55 Hulbert LLC," dated September 30, 2019, prepared by Blackwell & Associates, Inc., recorded with Nantucket County Registry of Deeds as Plan No. 2019-53 (the "Plan") by virtue of Deeds filed with said Registry District of the Land Court as Document No. 139407 and recorded with said Deeds in Book 1777, Page 24, for One (\$1.00) Dollar and other valuable consideration received do hereby grant to the **Town of Nantucket**, a Massachusetts municipal corporation, acting by and through its Select Board, with a mailing address of 16 Broad Street, Nantucket, MA-02554 (hereinafter the "Grantee") a non-exclusive four-foot (4') wide pedestrian access easement containing 289± square feet and a two and one-half foot (2 ½') wide easement containing 71± square feet for pedestrian access for use by the public from Hulbert Avenue to the beach as shown on said Plan ("the Easement Area") subject to the following conditions

- (a) Vehicular access and the use of motorized vehicles in said Easement Area shall be expressly prohibited except for:
 - (i) Vehicles required by the Grantee and its agents and/or contractors, to construct, improve, maintain, repair, replace and patrol the Easement Area;
 - (ii) Motorized wheelchairs and like vehicles for the disabled; and
 - (iii) Emergency vehicles on emergency calls or official business.
- (b) The Grantee shall have the right to cut or trim trees, shrubbery, vegetation in order to construct and maintain the Easement Area and to re-surface the Easement Area with any materials in the Grantee's sole discretion and at its sole cost and expense.
- (c) The Grantor is prohibited from constructing or placing any fence, structure, shrubbery or vegetation which encroaches upon the Easement Area or inhibits the Grantee's ability to use said Easement Area for the purposes set forth herein; however, the Grantor may perform customary maintenance and upgrade of the bulkhead or any other improvement located in the Easement Area.

- (d) The Grantor may install additional storm season protections at or about the bulkhead, provided that pedestrian access is maintained in the design and installation thereof.
- (e) The Grantor and Grantee further agree to defend, indemnify and hold each other harmless, to the extent permitted by law, from and against any and all liability, loss, damages, costs, expenses (including reasonable attorneys' fees and expenses) causes of actions, suits, claims, demands, judgments which are or may be imposed upon, incurred by or asserted against the Grantor or the Grantee by reason of or arising from their respective use and exercise of the easement hereby granted, except insofar as caused by the negligence of the other party or their agents or representatives.

Signature Page to Follow

WITNESS my hand and seal this 26th day of October, 2020

55 HULBERT LLC

By: David M. Lilly, Jr.

David M. Lilly, Jr., Manager

Commonwealth of Massachusetts
~~STATE OF MINNESOTA~~

County of Nantucket

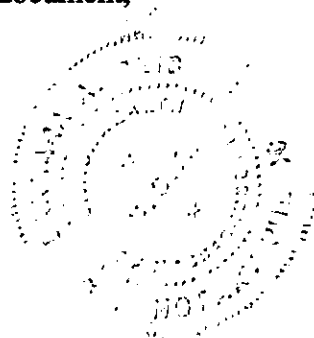
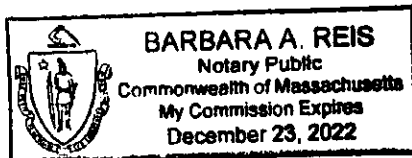
On this 26th day of October, 2020 before me, the undersigned notary public, personally appeared David M. Lilly, Jr., Manager of 55 Hulbert LLC, proved to me through satisfactory evidence of identification, which was personal knowledge, (type of identification) to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

Barbara A. Reis

Official Signature and Seal of Notary Public

My Commission expires:

708805v3NANT 19712/0277



ACCEPTANCE OF EASEMENT

We, the undersigned Members of the Select Board of the Town of Nantucket, hereby accept the foregoing Pedestrian Easement from 55 Hulbert LLC, pursuant to the authority of Section 3.3 of Chapter 289 of the Acts of 1996.

Executed under seal this 28 day of October, 2020.

TOWN OF NANTUCKET
By its Select Board

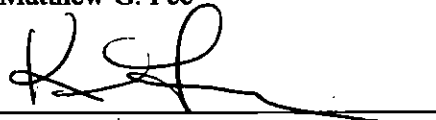
Dawn E. Hill Holdgate



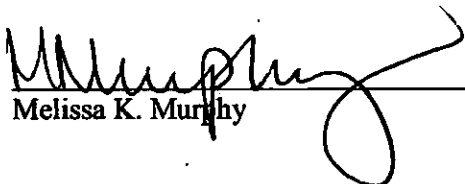
Jason Bridges



Matthew G. Fee



Kristie L. Ferrantella



Melissa K. Murphy

COMMONWEALTH OF MASSACHUSETTS

Nantucket, ss

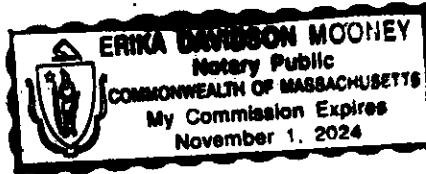
On this 30 day of October, 2020, before me, the undersigned Notary Public, personally appeared ~~Dawn E. Hill Holdgate~~, Jason Bridges, Matthew G. Fee, Kristie L. Ferrantella and Melissa K. Murphy as Members of the Select Board of the Town of Nantucket who proved to me by satisfactory evidence of identification, which was personal knowledge of the undersigned, to be the persons whose names are signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose, as the free act and deed of the Select Board of the Town of Nantucket.

Erika D. Mooney

Notary Public

My Commission Expires:

736731NANT/19712/0277



NANTUCKET COUNTY Received & Entered
Attest: Jennifer H. Ferreira, Register of Deeds

DOC No: 00167048

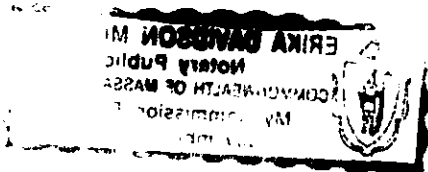
NANTUCKET COUNTY LAND COURT
REGISTRY DISTRICT

** RECEIVED FOR REGISTRATION **

On: Nov 02, 2020 at 08:45A

Document Fee: 105.00 Rec Total: \$210.00

CERTIFICATE No: 24582





2021 00002093

Bk: 1826 Pg: 43 Page: 1 of 5

Doc: EASE 05/20/2021 03:41 PM

PEDESTRIAN EASEMENT

KNOW ALL MEN by these presents that **Barbara J. Fife, Trustee of the Barbara J. Fife QPRT FBO Stephen Fife u/d/t dated February 26, 2010, and filed as Document No. 129953 with the Nantucket Registry District of the Land Court; Barbara J. Fife, Trustee of the Barbara J. Fife QPRT FBO Andrew Fife u/d/t dated February 26, 2010, filed with said Registry District of the Land Court as Document No. 129947; Barbara J. Fife, Trustee of the Barbara J. Fife QPRT FBO Howard Fife u/d/t dated February 26, 2010, filed with said Registry District of the Land Court as Document No. 129949; and Barbara J. Fife, Trustee of the Barbara J. Fife QPRT FBO Richard Fife u/d/t dated February 26, 2010 filed with said Registry District of the Land Court as Document No. 129951, of 25 Central Park West, New York, New York 10034 (hereinafter "Grantor")**, being the owners of land in Nantucket, Massachusetts, known as 57 Hulbert Avenue (the Property) shown as Lot A-2 on Land Court Plan No. 15800-C and Parcel 1, James Street on a plan of land entitled "Taking & Disposition Plan of Land in Nantucket, Mass. Prepared for Town of Nantucket," dated March 6, 2018, prepared by Blackwell & Associates, Inc., recorded with Nantucket County Registry of Deeds as Plan No. 2018-35 (the "Plan") by virtue of Deeds filed with said Registry District of the Land Court as Document No. 129952 and recorded with said Deeds in Book 1826, Page 48, for One (\$1.00) Dollar and other valuable consideration received do hereby grant to the **Town of Nantucket**, a Massachusetts municipal corporation, acting by and through its Select Board, with a mailing address of Town & County Building, 16 Broad Street, Nantucket, Massachusetts 02554 (hereinafter the "Grantee") a non-exclusive four-foot (4') wide pedestrian access easement containing 486± square feet and a two and one-half foot (2 ½') wide easement containing 68± square feet as shown a plan entitled "Disposition Plan of Land in Nantucket, Mass., Prepared for 55 Hulbert LLC," dated September 30, 2019, prepared by Blackwell & Associates, Inc., recorded with said Deeds as Plan No. 2019-53 for pedestrian access for use by the public from Hulbert Avenue to the beach as shown on said Plan ("the Easement Area") subject to the following conditions:

- (a) Vehicular access and the use of motorized vehicles in said Easement Area shall be expressly prohibited except for:
 - (i) Vehicles required by the Grantee and its agents and/or contractors, to construct, improve, maintain, repair, replace and patrol the Easement Area;
 - (ii) Motorized wheelchairs and like vehicles for the disabled; and
 - (iii) Emergency vehicles on emergency calls or official business.

- (b) The Grantee shall have the right to cut or trim trees, shrubbery, vegetation in order to construct and maintain the Easement Area and to re-surface the Easement Area with any materials in the Grantee's sole discretion and at its sole cost and expense.
- (c) The Grantor is prohibited from constructing or placing any fence, structure, shrubbery or vegetation which encroaches upon the Easement Area or inhibits the Grantee's ability to use said Easement Area for the purposes set forth herein; however, the Grantor may perform customary maintenance and upgrade of the bulkhead or any other improvement located in the Easement Area.
- (d) The Grantor may install additional storm seasons protections at or about the bulkhead, provided that pedestrian access is maintained in the design and installation thereof.
- (e) The Grantor and Grantee further agree to defend, indemnify and hold each other harmless, to the extent permitted by law, from and against any and all liability, loss, damages, costs, expenses (including reasonable attorneys' fees and expenses) causes of actions, suits, claims, demands, judgments which are or may be imposed upon, incurred by or asserted against the Grantor or the Grantee by reason of or arising from their respective use and exercise of the easement hereby granted, except insofar as caused by the negligence of the other party or their agents or representatives.

Signature Page to Follow

WITNESS my hands and seals this 30 day of December, 2020

Barbara J. Fife
Barbara J. Fife, Trustee of the
Barbara J. Fife QPRT FBO Stephen Fife

Barbara J. Fife
Barbara J. Fife, Trustee of the
Barbara J. Fife QPRT FBO Andrew Fife

Barbara J. Fife
Barbara J. Fife, Trustee of the
Barbara J. Fife, QPRT FBO Howard Fife

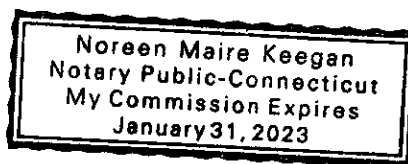
Barbara J. Fife
Barbara J. Fife, Trustee of the
Barbara J. Fife QPRT FBO Richard Fife

County of Fairfield STATE OF ~~NEW YORK~~ Connecticut

On this 30th day of December, 2020 before me, the undersigned notary public, personally appeared Barbara J. Fife, Trustees as aforesaid, proved to me through satisfactory evidence of identification, which was US Passport, (type of identification) to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose.

Noreen Marie Keegan
Official Signature and Seal of Notary Public
My Commission expires:

708658v4NANT 19712/0276



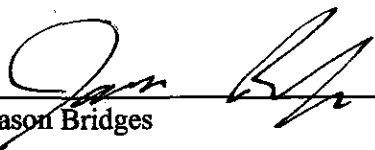
ACCEPTANCE OF EASEMENT

We, the undersigned Members of the Select Board of the Town of Nantucket, hereby accept the foregoing Pedestrian Easement from Barbara J. Fife, Trustee of the Barbara J. Fife QPRT FBO Stephen Fife, Barbara J. Fife, Trustee of the Barbara J. Fife QPRT FBO Andrew Fife, Barbara J. Fife, Trustee of the Barbara J. Fife QPRT FBO Howard Fife, and Barbara J. Fife, Trustee of the Barbara J. Fife QPRT FBO Richard Fife, pursuant to the authority of Section 3.3 of Chapter 289 of the Acts of 1996.

Executed under seal this 28 day of October, 2020.

TOWN OF NANTUCKET
By its Select Board

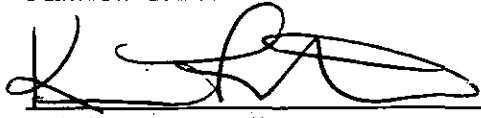
Dawn E. Hill Holdgate



Jason Bridges



Matthew G. Fee



Kristie L. Ferrantella



Melissa K. Murphy

COMMONWEALTH OF MASSACHUSETTS

Nantucket, ss

On this 30 day of October, 2020, before me, the undersigned Notary Public, personally appeared ~~Dawn E. Hill Holdgate~~, Jason Bridges, Matthew G. Fee, Kristie L. Ferrantella and Melissa K. Murphy as Members of the Board of Selectmen of the Town of Nantucket who proved to me by satisfactory evidence of identification, which was personal knowledge of the undersigned, to be the persons whose names are signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose, as the free act and deed of the Select Board of the Town of Nantucket.

Erika Davidson Mooney

Notary Public

My Commission Expires:

736585/NANT/19712/0276



NANTUCKET COUNTY Received & Entered
Attest: Jennifer H. Ferreira, Registrar of Deeds



2021 00002092

Bk: 1826 Pg: 35 Page: 1 of 8
Doc: EASE 05/20/2021 03:41 PM

GRANT OF EASEMENT

KNOW ALL MEN BY THESE PRESENTS, that we, Barbara J. Fife, Trustee of the Barbara J. Fife, QPRT FBO Stephen Fife u/d/t/dated February 26, 2010 filed as Document No. 129953 with the Nantucket Registry District of the Land Court; Barbara J. Fife, Trustee of the Barbara J. Fife QPRT FBO Andrew Fife u/d/t/ dated February 26, 2010 filed as Document No. 129947 with the Registry District of the Land Court; Barbara J. Fife, Trustee of the Barbara J. Fife QPRT FBO Howard Fife u/d/t dated February 26, 2010 filed as Document No. 129949 with said Registry District of the Land Court; and Barbara J. Fife, Trustee of the Barbara J. Fife QPRT FBO Richard Fife u/d/t/ dated February 26, 2010 filed as Document No. 129951 with said Registry District of the Land Court, all of 25 Central Park West, New York, New York 10034 (the "Grantor"), in consideration of One Dollar (\$1.00) paid and in consideration of the conveyance of Parcel 1, James Street, Nantucket, Massachusetts by Deed of Grantee simultaneously filed with said Registry District of the Land Court and recorded with Nantucket County Registry of Deeds, do hereby GRANT to the Town of Nantucket (the "Town"), a body politic of the Commonwealth of Massachusetts, having offices at 16 Broad Street, Nantucket, Massachusetts 02554, by and through its Select Board, (the "Grantee"), with QUITCLAIM COVENANTS, the following rights, title and interests:

1. A perpetual easement coextensive with and limited to the Easement Area of Grantor's Lands. The terms "Easement Area" and "Grantor's Land," as well as other terms used in this Grant of Easement, are defined below in Paragraph 2. The scope of the affirmative perpetual easement herein granted is more fully defined, limited, and subject to the conditions and covenants set forth in the following paragraphs.

2. Definitions for the purposes of this Grant of Easement:

"Grantor's Land" shall mean a certain parcel of land situated in the Town and County of Nantucket, Massachusetts, at 57 Hulbert Avenue being described in Certificate of Title No. 23502 filed with said Registry District of the Land Court and is shown on Assessor's Map 29 as Parcel 11 and Parcel 1, James Street shown on a plan of land recorded with Nantucket County Registry of Deeds as Plan No. 2018-35 and in a Deed recorded with said Deeds in book 1826, Page 48.

"coastal bank" shall mean the seaward face or side of any elevated landform, other than a coastal dune, which lies at the landward edge of a coastal beach, land subject to tidal action, or other wetland.

"coastal dune" shall mean any natural hill, mound or ridge of sediment landward of a coastal beach deposited by wind action or storm overwash, including without limitation vegetated areas of American beach grass or other natural beach plants serving to build dunes in dune fields between the landward edge of unvegetated sand and the seaward face or side of the

coastal bank. Coastal dune also means sediment deposited by artificial means and serving the purpose of storm damage prevention or flood control.

"Easement Area" shall mean that part or portion of Grantor's Land lying inland of the mean low water line up to and along the seaward edge of the coastal dunes, or if no coastal dunes are present up to and including the seaward edge of the wooden bulkhead located on the Grantor's Land as it currently exists. To the extent that erosion, accretion, drifting sand, avulsion or other natural phenomena alter the mean low water line, the coastal bank or the coastal dune as they may exist, or the reconstruction of the bulkhead between its existing location and Hulbert Avenue, the Easement Area shall be deemed correspondingly altered for purposes of this Grant of Easement. The Easement Area as it currently exists is shown as "One Big Beach Easement Area over Parcel 1" containing 656± square feet on the plan entitled "Disposition Plan of Land in Nantucket, Mass. Prepared for 55 Hulbert LLC," dated September 30, 2019, recorded with Nantucket County Registry of Deeds as Plan No. 2019- 53 (the "Plan").

"Coastal Conservation Land" shall mean that ocean-front land, contiguous to Grantor's Land, now or hereafter owned by the Town or by the Nantucket Islands Land Bank, a government body established for the purpose of land conservation (see, Chapter 669 of the Massachusetts Acts of 1983, as amended), and held for the purpose of preserving the unique natural littoral environment of Nantucket for enjoyment by the general public, and for protecting the scenic and ecological character of the Nantucket shore.

"Commercial Activities" shall mean any activity or event where money is paid to an individual or business entity for services rendered within the Easement Area. By way of illustration only and without limitation, the erection or use of any permanent or temporary structure, kiosk, dock, mooring, stand, cart, sign for advertisement, or other real or personal property, fixtures, or equipment primarily for the purpose of, or incidental or accessory thereto, manufacturing, selling, leasing or otherwise providing from that specific structure or arising from such use any property, good, product or service..

"conservation" and "recreation," and all derivations therefrom, shall have the general meanings and uses given to those terms by Internal Revenue Code, Section 170(h), and the regulations promulgated thereunder.

"mean high water line" shall mean the line where the arithmetic mean of the high water heights observed over a specific 19-year metonic cycle (the National Tidal Datum Epoch) meets the shore and shall be determined using hydrographic survey data of the National Ocean Survey of the U.S. Department of Commerce.

"mean low water line" shall mean the line where the arithmetic mean of the low water heights observed over a specific 19-year metonic cycle (the National Tidal Datum Epoch) meets the shore and shall be determined using hydrographic survey data of the National Ocean Survey of the U.S. Department of Commerce.

"intertidal areas" shall mean the area upland of the mean low water line and seaward of the mean high water line, subject to tidal action.

"Maintenance Obligation" shall mean the ongoing and continuous obligation and duty to adequately patrol, maintain and police (that is, supervise, clean, and maintain order, but not to be required to provide regular patrolling by law enforcement officers) environmental resources in accordance with the Nantucket Beach Management Plan as the same may be amended from time to time and State and local law, and periodically to inspect the Easement Area.

3. The Grantee and the general public shall have the right to enter upon and use the Easement Area exclusively for conservation and recreational purposes for which beaches are used on Nantucket (with the exception of the vehicular uses that are provided in paragraph 4), but not Commercial Activities. These purposes and uses include, by way of illustration and without limitation, educational uses, swimming, fishing, surfboarding, snorkeling, sunbathing, strolling, walking, hiking, wildlife observation, picnicking, scenic viewing, normal and usual beach recreational activities and games, and other similar or appropriate and reasonable recreational outdoor activities and uses as the Grantee, shall determine from time to time, provided the said similar uses shall have been approved in writing by the Select Board of the Town of Nantucket and notice of such approval is duly published in a newspaper of general circulation in the Town of Nantucket. The Grantee shall regulate the hours and the scope and nature of the permitted uses and activities in accordance with the Grantee's standard beach-management practices in effect for the beaches of Nantucket as found in the Town of Nantucket Beach Management Plan, as adopted by the Nantucket Select Board on June 1, 2005 and "Regulations for the Use of Town-Owned Beaches", said regulations effective August 1, 2003 as amended August 4, 2004 as may be amended from time to time, and further the Grantee may grant special permits, from time to time, with the prior written approval from the Grantor, for such other uses and activities and for extended hours, from time to time, as may be provided for by such duly adopted rules, regulations and/or bylaws. In adopting such rules, regulations and/or bylaws, and in issuing special permits pursuant thereto, the Grantee (together with any applicable departments or other divisions, boards, bodies, agencies, officials or agents of the Town) shall use reasonable efforts to minimize reasonably foreseeable adverse effects of such rules, regulations and/or bylaws and permits proposed to be issued upon the reasonable peaceful enjoyment of the Grantor's Land lying outside the Easement Area and upon the Easement Area and shall in no event authorize and the Town shall use reasonable efforts to prohibit any Commercial Activities within the Easement Area, nor in any way compromise the liability protection now afforded to Grantor by M.G.L. c. 21, §17C or any revised or replacement statute that affords liability protection which is substantially similar to that now afforded by M.G.L. c. 21, §17C. Notwithstanding the foregoing, no member of the general public shall have any right to enter upon, travel over or use those portions of the Easement Area consisting of coastal dunes except with the prior written consent of Grantor or Grantor's heirs, executors, administrators, legal representatives, successors and/or assigns. Notwithstanding the foregoing, the Town shall have the right to enter upon, travel over or otherwise use those portions of the Easement Area consisting of coastal dunes as necessary to perform its Maintenance Obligation.

4. Notwithstanding the uses and activities set forth in paragraph 3 above, the Grantee shall not allow access and use of recreational vehicles in the Easement Area except as provided for herein below. Vehicular access and use shall be prohibited subject to such rules, regulations and bylaws previously adopted by the Grantee and now existing or hereafter adopted by the Grantee. The foregoing sentences shall not limit the official use of vehicles of the Town, its agencies or other governmental entities.

5. Notwithstanding the provisions of paragraphs 3 and 4 above, all movable or fixed structures and signage indicating the limits and/or access to the Easement Area shall be prohibited throughout the Easement Area. except constructed steps to ascend and descend the coastal bank, and Grantor and/or Grantee may erect or maintain wire or snow fencing, signage or the like along the seaward edge of the coastal bank as may reasonably be warranted to protect the coastal bank and coastal dune or any species listed by any applicable state or federal law or regulation as endangered or threatened so as to advance the conservation purposes for which this Easement is being granted, without unreasonably frustrating the recreational purposes of this Easement. If any structure(s) mandated under applicable state or federal law or regulation frustrate the purposes for which this Grant of Easement is being granted, such structures may be maintained only for as long as is legally required and the party that caused such structure(s) to be placed on the Easement Area shall be responsible for and shall remove such structures(s) within a reasonable period after such time.

6. In addition to any other duties and obligations, the Town shall have the ongoing and continuous obligation and duty to fulfill its Maintenance Obligation and to reasonably ensure that persons granted access pursuant to this easement fully comply with Massachusetts, local and federal laws protecting coastal areas and the use of this beach. Any member(s) of the public who violate(s) the duly adopted rules, regulations and/or bylaws or who refuse to cease and desist from any proscribed conduct, acts or omissions to do or perform anything required to conform to the same may be cited in accordance with said rules, regulations and/or bylaws. The Town may remove from the Easement Area any individual who violates any said rule, regulation and/or bylaw. Further, when issuing any permits pursuant to such rules, regulations and/or bylaws, the Town shall impose such reasonable conditions and restrictions that may be reasonably necessary to assure the Grantor the reasonable peaceful enjoyment of Grantor's Land lying outside the Easement Area.

7. This Grant of Easement shall be binding upon and inure to the benefit of the Grantor(s) and his/her/their heirs, executors, administrators, legal representatives, successors and assigns and this Grant of Easement shall be binding upon and inure to the benefit of the Grantee, and the Town and its successors and assigns. The Town's successors and assigns shall be entities eligible to hold qualified conservation restrictions under applicable federal tax law.

8. This Grant of Easement shall be subject to and interpreted pursuant to the laws of the Commonwealth of Massachusetts, and, to the extent applicable to shorefront property, also subject to the laws of the United States of America.

9. Rights retained by the Grantor(s) in and to the Easement Area shall be inferior and incidental to the conservation and recreational use of the Easement Area provided for here and shall be valid to the extent consistent with this Grant of Easement, and only if exercised so as not to impair the conservation and recreational rights and interests conveyed to the Town hereunder. Said granted and retained rights shall exclude the right to physically alter the Easement Area, by any manual or mechanical means, in any way that would diminish the conservation and recreational purposes of this Grant of Easement. The Grantor(s) and the Town shall have the right to enforce the terms, conditions and provisions hereof by an action in equity brought in the Nantucket Superior Court of the Commonwealth of Massachusetts, and in no other courts or jurisdictions, but although the Nantucket Superior Court shall be the initial forum,

nothing herein shall affect or diminish the Town's or Grantor's rights to appeal any decision made by such Court. The Grantor hereby agrees that no such action shall be commenced unless and until the Grantor shall have given thirty (30) days written notice to the Town, itemizing and detailing with particularity the alleged acts or omissions of the Town deemed to be in material violation of the terms, conditions and/or provisions hereof. In the event that the Town shall have substantially cured such material violations and has taken reasonable measures to assure that uncurable violations shall be avoided in the future, no such actions shall be commenced. However, in no event shall the Town be liable for any monetary damages based upon a violation (material or otherwise) hereof.

10. The Grantee has represented to the undersigned Grantor(s) that the Town has taken or shall promptly take all lawful measures for the Town to accept this Grant of Easement on behalf of itself and the Grantee and to undertake the Maintenance Obligation provided for herein. Grantor represents that he is the rightful lawful owner of the Grantor's Land and the Easement Area and that he possesses the legal authority to grant the rights in real property conveyed to Grantee under this Grant of Easement.

11. No term, covenant or provision of this Grant of Easement, nor the granting or acceptance hereof, shall be construed to be a waiver or release by Grantee or the Town of any right, title or interest it may hold relative to the Easement Area, any permanently submerged land, any coastal dune, any coastal bank or any other land affected by this Grant of Easement.

12. The Grantor shall be absolved from liability claims arising from accidents or injuries occurring to users of the Easement Area in accordance with the provisions of M.G.L. c. 21, §17C or any revised or replacement statute that affords liability protection which is substantially similar to that now afforded by M.G.L. c. 21, §17C. Grantor may, in Grantor's discretion, close the Easement Area to public use in the event the landowner liability protection afforded in M.G.L. c. 21, §17C is repealed or altered in a manner which materially increases, in Grantor's reasonable opinion, Grantor's potential liability to public users of the Easement Area, and provided (a) no other statute or law affords Grantor, liability protection which is substantially similar to that now afforded by M.G.L. c. 21, §17C; or (b) Grantee elects not to provide reasonable insurance coverage or otherwise agrees to hold Grantor harmless against potential liability to public users of the Easement Area, except for liabilities directly caused by or arising from Grantor's gross negligence or willful misconduct. Upon the effective date of another statute or law affording to Grantor, in Grantor's counsel's reasonable opinion, with liability protection substantially similar to that now afforded by M.G.L. c. 21, §17C, or Grantee agreeing to provide reasonable insurance coverage or to otherwise hold Grantor harmless against potential liability to public users of the Easement Area (except for liabilities directly caused by or arising from Grantor's gross negligence or willful misconduct), then Grantor shall promptly open for public use all portions of the Easement Area then closed to the public. The Town shall use reasonable efforts not to compromise in any way the liability protection now afforded to Grantor by M.G.L. c. 21, §17C or any revised or replacement statute that affords liability protection which is substantially similar to that now afforded by M.G.L. c. 21, §17C.

13. Grantor and the Town shall not use the Easement Area in any manner detrimental to the Easement Area or inconsistent with the purpose of this Grant of Easement.

14. Any notices or deliveries required or permitted to be given to the Town pursuant to this instrument shall be in writing and delivered to the Select Board at the Town and County Building, 16 Broad Street, Nantucket, Massachusetts 02554. Any notices or deliveries required or permitted to be given to Grantor pursuant to this instrument shall be in writing and delivered to Grantor at 25 Central Park West, New York, New York 10034. All such notices shall be delivered by registered or certified mail, postage prepaid and receipt required, or overnight express courier with receipt required. Either the Town or the Grantor may change its address to which any notice is to be delivered by providing the other with reasonable notice of such new address in one of the manners specified above.

[Signatures Follow On Next Page]

In witness whereof, the undersigned Grantor, intending to be legally bound hereby, has affixed her hand and seal this 30 day of December, 2020.

GRANTOR:

BARBARA J. FIFE, TRUSTEE OF BARBARA J. FIFE QPRT FBO STEPHEN FIFE

Barbara J. Fife
Barbara J. Fife, Trustee as aforesaid

BARBARA J. FIFE, TRUSTEE OF BARBARA J. FIFE QPRT FBO ANDREW FIFE

Barbara J. Fife
Barbara J. Fife, Trustee as aforesaid

BARBARA J. FIFE, TRUSTEE OF BARBARA J. FIFE QPRT FBO HOWARD FIFE

Barbara J. Fife
Barbara J. Fife, Trustee as aforesaid

BARBARA J. FIFE, TRUSTEE OF BARBARA J. FIFE QPRT FBO RICHARD FIFE

Barbara J. Fife
Barbara J. Fife, Trustee as aforesaid

Fairfield
~~Nantucket~~, ss

STATE OF ~~NEW YORK~~ Connecticut

On this 30th day of December, 2020 before me, the undersigned notary public, personally appeared Barbara J. Fife, Trustees as aforesaid proved to me through satisfactory evidence of identification, which was personal knowledge, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose.

70565NANT19712/0276

Noreen Marie Keegan
Notary Public
My commission expires:

Noreen Marie Keegan
Notary Public-Connecticut
My Commission Expires
January 31, 2023

ACCEPTANCE BY THE TOWN OF NANTUCKET

The undersigned, constituting a majority of the Town of Nantucket Select Board, hereby acknowledge that at a meeting of the Select Board held on October 28, 2020, the forgoing Grant of Easement was accepted pursuant to the authority of Section 3.3 of Chapter 289 of the 1996 Acts of the General Court, pursuant to which we have directed publication of notice regarding this acceptance.

Executed this 28 day of October, 2020.

TOWN OF NANTUCKET

By its Select Board

Dawn E. Hill Holdgate

Jason Bridges

Matthew G. Fee

Kristie L. Ferrantella

Melissa K. Murphy

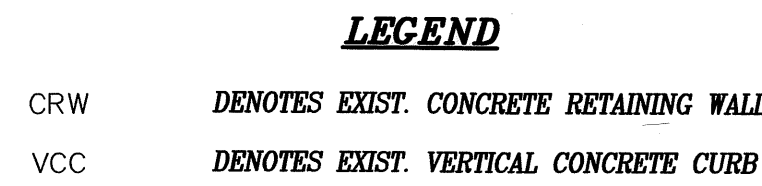
COMMONWEALTH OF MASSACHUSETTS

Nantucket, ss

On this 30 day of October, 2020, before me, the undersigned notary public personally appeared, ~~Dawn E. Hill Holdgate~~, Jason Bridges, Matthew G. Fee, Kristie L. Ferrantella and Melissa K. Murphy as members of the Select Board of the Town of Nantucket, and proved to me through satisfactory evidence of identification, which was personal knowledge of the undersigned, to be the persons whose names are signed on the preceding document, and acknowledged to me that they signed it voluntarily for its stated purpose as the free act and deed of the Select Board of the Town of Nantucket.

Erika Davidson Mooney
Notary Public
My Commission Expires:





MINIMUM LOT SIZE: 5000 S.F.
MINIMUM FRONTAGE: 50 FT.
FRONT YARD SETBACK: 10 FT.
REAR/SIDE SETBACK: 5 FT.
GROUND COVER % : 30 %

55 HULBERT LLC
CERT. OF TITLE #24582
L.C.C. 14811-A
ASSESSOR'S MAP 29, PARCEL 12
#55 HULBERT AVENUE

BARBARA J. FIFE, TRUSTEE
CERT. OF TITLE #23502
L.C.C. 15800-C, LOT A-2
ASSESSOR'S MAP 29, PARCEL 11
#57 HULBERT AVENUE

29-11
N/F
BARBARA J. FIFE, TRUSTEE et al.
CERT. #23502
L.C.C. 15800-C
LOT A-2

MARBLE BOUND
WITH X-CUT FO
HELD FOR LINE

HULBERT STREET

(ORDER OF TAKING DEED BK. 151, PG. 317 - PLAN D1, No. 57)

PUBLIC - 33' WIDE

EXIST. EDGE OF PAVEMENT

AVENUE

T:\KEN 26 JOB 64
V:\DRAWFILES\B7459\2018 Taking.dwg 5/7/2018 2:44:37 PM EDT

2018 00000035
Bk: Pg: 0 Page: 0
Doc: PLAN 06/15/2018 02:26 PM

Date: June 15, 2018

Time: 2:26 pm

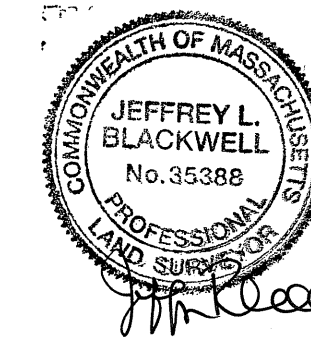
Plan No.: 2018-35

Attest: Jennifer H Ferreira
Register

SHEET 1 OF 1
RESERVED FOR REGISTRY USE

I HEREBY CERTIFY THAT THIS PLAN HAS BEEN
PREPARED IN ACCORDANCE WITH THE RULES
AND REGULATIONS OF THE REGISTER OF DEEDS
OF THE COMMONWEALTH OF MASSACHUSETTS.


 5-7-18
 PROFESSIONAL LAND SURVEYOR DATE



Reference 2013 STM Articles 5 & 6

*Taking & Disposition
Plan of Land*

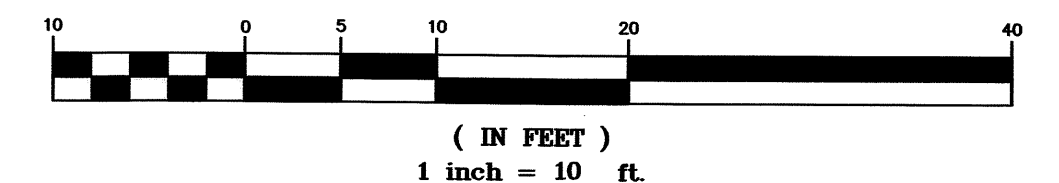
in
Nantucket, Mass.
Prepared for

TOWN OF NANTUCKET

Scale: 1" = 10' March 06, 2018

BLACKWELL & ASSOCIATES, Inc.
Professional Land Surveyors
20 TEASDALE CIRCLE
NANTUCKET, MASS. 02554
(508) 228-9026

GRAPHIC SCALE



Nantucket Select Board

Being a majority—

Jan 12
B.D.
Smith
fee

DATE SIGNED: _____

PLANNING BOARD ENDORSEMENT DOES NOT
CONSTITUTE A DETERMINATION OF CONFORMANCE
UNDER ZONING.

Nantucket Planning Board

APPROVAL UNDER THE
SUBDIVISION CONTROL LAW
NOT REQUIRED

James M. Bell
John F. Cudde
Judith M. Cudde
Fredrick F. Cudde

05-14-18
DATE SIGNED

8237
FILE #

B7459

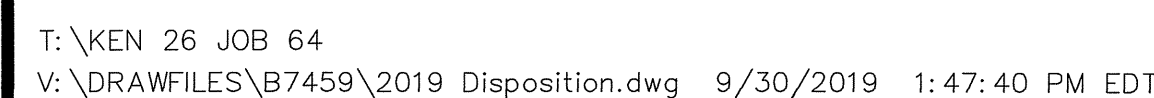
NOTE:

PARCEL 1 IS CONSIDERED UNBUILDABLE DUE TO INSUFFICIENT LOT AREA AND FRONTAGE. PARCEL 1 IS TO BE CONVEYED TO AND COMBINED WITH LAND OF BARBARA J. FIFE et al., ASSESSOR'S MAP 29, PARCEL 11.

PARCEL 2 IS CONSIDERED UNBUILDABLE DUE TO INSUFFICIENT LOT AREA AND FRONTAGE. PARCEL 2 IS TO BE CONVEYED TO AND COMBINED WITH LAND OF 55 HULBERT LLC, ASSESSOR'S MAP 29, PARCEL 12.

NOTE:

PARCEL(S) 1 & 2 DO NOT CONTAIN AREAS SUBJECT TO PROTECTION UNDER THE MASSACHUSETTS WETLANDS PROTECTION ACT WHICH ARE REQUIRED TO BE EXCLUDED FROM LOT AREA UNDER THE NANTUCKET ZONING BY-LAW BUT STILL MAY BE SUBJECT TO PROTECTION UNDER STATE AND LOCAL WETLAND BY-LAWS. DETERMINATION OF APPLICABILITY MAY BE OBTAINED THROUGH APPLICATION TO THE CONSERVATION COMMISSION.





2019 00003555

Bk: 1726 Pg: 146 Page: 1 of 5
Doc: OOT 12/19/2019 01:36 PM

COMMONWEALTH OF MASSACHUSETTS
TOWN OF NANTUCKET
SELECT BOARD

CONFIRMATORY ORDER OF TAKING BY EMINENT DOMAIN
OF PORTIONS OF JAMES STREET

The undersigned being the majority of the duly elected and serving members of the Select Board of the Town of Nantucket, a body politic and corporate and a political subdivision of the Commonwealth of Massachusetts, having a principal place of business at Town and County Building, 16 Broad Street, Nantucket, Massachusetts ("Town"), acting by authority of Massachusetts General Laws Chapter 40, § 14 and Chapter 79, as amended, Article III, Section 3.3 of the Town Charter, St. 1996, c. 289, § 1, and the vote adopted by the Town on Article 5 at the 2013 Special Town Meeting, a certified copy of which is attached hereto, and by virtue of every other power and authority hereto enabling us, having complied with all the preliminary requirements prescribed by law, having determined that the taking of the fee in those certain parcels of land comprising portions of James Street described below ("Parcels") is required for public ways, open space and/ or general municipal purposes, do hereby adopt and decree this Confirmatory Order of Taking on behalf of the Town and do hereby take from the supposed owners of the Parcels, those who hold easements and other rights to the Parcels, and all their successors, heirs and assigns, as their interests may appear, by the right of eminent domain, the fee in the Parcels, including but not limited to all rights of passage, if any, as follows:

The land shown on a plan of land entitled "Taking & Disposition Plan of Land in Nantucket, Mass. Prepared for Town of Nantucket," dated March 6, 2018, prepared by Blackwell & Associates, Inc. recorded with Nantucket County Registry of Deeds as Plan No. 2018-35 (the "Plan") and consisting of the following Parcels described on the Plan:

<u>Parcel</u>	<u>Address/Location</u>	<u>Area ±</u>
Parcel 1	James Street	3,093± s. f.
<u>Assessor ID</u>	<u>Supposed Owner(s)</u>	<u>Title Reference</u>
Map 29, Parcel 11	Barbara J. Fife, Trustee of the Barbara J. Fife QPRT FBO Stephen Fife u/d/t dated February 26, 2010, and filed as Document No. 129953 with the Nantucket Registry District of the Land Court; Barbara J. Fife, Trustee of the Barbara J. Fife QPRT FBO Andrew Fife u/d/t dated February 26, 2010, and filed with said Registry District of the Land Court as Document No. 129947; Barbara J. Fife,	Certificate of Title No. 23502

Trustee of the Barbara J. Fife QPRT FBO
Howard Fife u/d/t dated February 26, 2010
filed with said Registry District of the Land
Court as Document No. 129949; and Barbara
J. Fife, Trustee of the Barbara J. Fife QPRT
FBO Richard Fife, u/d/t dated February 26, 2010
filed with said Registry District of the Land
Court as Document No. 129951

<u>Parcel</u>	<u>Address/Location</u>	<u>Area $\pm$</u>
Parcel 2	James Street	3,015 $\pm$ s. f.
<u>Assessor</u>	<u>Supposed Owner(s)</u>	<u>Title Reference</u>
Map 29, Parcel 12	55 Hulbert LLC	Certificate of Title No. 24582

Any and all trees and vegetation on the Parcels are included in this Confirmatory Order of Taking, the structures and improvements on the Parcels are excluded from this Confirmatory Order of Taking

The damages sustained by the supposed owner(s) listed above by reason of this taking of the Parcels are valued and awarded in a resolution of even date adopted by the Board of Selectmen in accordance with Massachusetts General Laws Chapter 79, as amended.

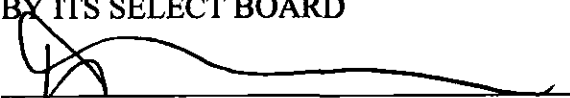
If any party named hereinabove as an owner of any Parcels taken hereby is not a true owner of said Parcels, then the award is made only to the true owner(s) of said Parcels.

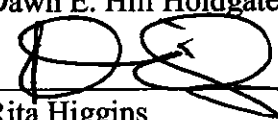
The Order of Taking by Eminent Domain of Portions of James Street dated January 30, 2019 was filed with the Nantucket Registry District of the Land Court as Document No. 161005. This Confirmatory Order of Taking is adopted for the purpose of recording it with the Nantucket Registry of Deeds. Nothing herein shall impair or otherwise affect the rights and easements acquired by the Town pursuant to the original order of Taking.

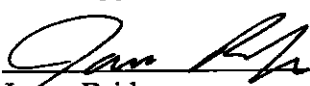
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Adopted under seal this 18 day Dec., 2019.

TOWN OF NANTUCKET
BY ITS SELECT BOARD


Dawn E. Hill Holdgate


Rita Higgins


Jason Bridges

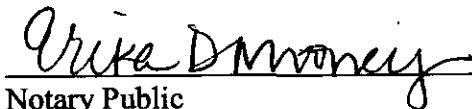

Matthew G. Fee


Kristie L. Ferrantella

COMMONWEALTH OF MASSACHUSETTS

Nantucket County, ss

On this 18 day of Dec., 2019, before me, the undersigned notary public, personally appeared Dawn E. Hill Holdgate, Rita Higgins, Jason Bridges, Matthew G. Fee and Kristie L. Ferrantella as members of the Select Board of the Town of Nantucket, proved to me through satisfactory evidence of identification, which was personal knowledge of the undersigned, to be the persons whose names are signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose as the free act and deed of the Select Board of the Town of Nantucket.


Notary Public

My commission expires:

706020NANTYDSALE 19712/0001





Town of Nantucket

♦♦♦♦♦

OFFICE OF THE TOWN & COUNTY CLERK

16 Broad Street
NANTUCKET, MASSACHUSETTS 02554-3590

Catherine Flanagan Stover, MMC, CMMC
Town & County Clerk

(508) 228-7216

FAX (508) 325-5313

Home: (508) 228-7841

Email: cstover@nantucket-ma.gov

flanaganstover@yahoo.com

townclerk@nantucket-ma.gov

WEBSITE: <http://www.nantucket-ma.gov>

♦♦♦♦♦

November 6, 2013

TO WHOM IT MAY CONCERN:

I, Catherine Flanagan Stover, duly elected Clerk of the Town and County of Nantucket, hereby certify that the November 4, 2013 SPECIAL TOWN MEETING adopted **Article 5: "Real Estate Acquisition: "Beachside Streets": Dix, Johnson, James, Henry, and Willard (aka William Street) Streets in Brant Point"** at the November 4, 2013 adjourned session when "...the adoption of all articles not heretofore acted upon as recommended by the Finance Committee, or as recommended by the Planning Board, was duly motioned, seconded, and voted in accordance with the motions recommended by the Finance Committee or, in the absence of a Finance Committee motion, then in accordance with the motions as recommended by the Planning Board, as printed in the Finance Committee Report, with technical amendments brought forward during the course of the meeting..."

VOTE: The vote on the motion pursuant to Article 5 as moved by the Planning Board was by Unanimous Voice Vote. The motion was adopted.

Catherine Flanagan Stover, MMC, CMMC
Town and County Clerk

ATTEST: A TRUE COPY
Nancy Holmes
NANTUCKET TOWN CLERK

ARTICLE 5**(Real Estate Acquisition: "Beachside Streets": Dix, Johnson, James, Henry and Willard (a.k.a. William Street) Streets in Brant Point)**

To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift or eminent domain the fee or lesser interests in all or any portion of the remaining so-called "Beachside Streets", first identified in Article 36 of the 1913 Annual Town Meeting, now known as Dix, Johnson, James, Henry and Willard (a.k.a. William Street) Streets between the northerly sideline of Hulbert Avenue and Nantucket Harbor together with the public and private rights of passage, for public ways, open space and/or general municipal purposes; and further, to raise and appropriate, borrow pursuant to applicable statute or transfer from available funds, a sum of money for such purposes;

All as shown on a map entitled "2013 Special Town Meeting Warrant Article 5" dated September 2013 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Board of Selectmen)

FINANCE COMMITTEE MOTION: Moved that the Board of Selectmen is hereby authorized to acquire by purchase, gift or eminent domain the fee or lesser interests in all or any portion of the remaining so-called "Beachside Streets", first identified in Article 36 of the 1913 Annual Town Meeting, now known as Dix, Johnson, James, Henry and Willard (a.k.a. William Street) Streets between the northerly sideline of Hulbert Avenue and Nantucket Harbor together with the public and private rights of passage, for public ways, open space and/or general municipal purposes;

All as shown on a map entitled "2013 Special Town Meeting Warrant Article 5" dated September 2013 and filed herewith at the Office of the Town Clerk.

Quantum of vote required for passage of this motion is a majority

NANTUCKET COUNTY Received & Entered
Attest: Jennifer H. Ferreira, Register of Deeds



2016 00152091

 Cert: 24266 Doc: OOT
 Registered: 07/05/2016 03:30 PM

COMMONWEALTH OF MASSACHUSETTS
 TOWN OF NANTUCKET
 BOARD OF SELECTMEN

ORDER OF TAKING BY EMINENT DOMAIN
 OF PORTIONS OF HENRY STREET

The undersigned being the majority of the duly elected and serving members of the Board of Selectmen of the Town of Nantucket, a body politic and corporate and a political subdivision of the Commonwealth of Massachusetts, having a principal place of business at Town and County Building, 16 Broad Street, Nantucket, Massachusetts ("Town"), acting by authority of Massachusetts General Laws Chapter 40, § 14 and Chapter 79, as amended, Article III, Section 3.3 of the Town Charter, St. 1996, c. 289, § 1, and the vote adopted by the Town on Article 5 at its 2013 Special Town Meeting, a certified copy of which is attached hereto, and by virtue of every other power and authority hereto enabling us, having complied with all the preliminary requirements prescribed by law, having determined that the taking of the fee in those certain parcels of land comprising portions of Henry Street described below ("Parcels") is required for public access purposes and general municipal purposes, do hereby adopt and decree this Order of Taking on behalf of the Town and do hereby take from the supposed owners of the Parcels, those who hold easements and other rights to the Parcels, and all their successors, heirs and assigns, as their interests may appear, by the right of eminent domain, the fee in the Parcels, including but not limited to all rights of passage, if any, as follows:

The land shown on a plan of land entitled "Taking and Disposition Plan of Land in Nantucket, MA Prepared for Town of Nantucket," dated June 7, 2016, prepared by Blackwell & Associates, Inc. and recorded with the Nantucket Registry of Deeds as Plan No. 2016-62 (the "Plan") and consisting of the following Parcels described on the Plan:

<u>Parcel</u>	<u>Address/Location</u>	<u>Area ±</u>
Lot A	Henry Street	2,458± s.f.
<u>Assessor ID</u>	<u>Supposed Owner(s)</u>	<u>Title Reference</u>
Map 29, Parcel 15	Carter D. Cafritz, Trustee of Carter D. Cafritz Management Trust u/d/t dated November 18, 2009, For which a Trust Certificate Pursuant to M.G.L. c. 184, §35 filed as Document No. 137220 with Nantucket Registry District of the Land Court and Melissa Cafritz, Trustee of the Melissa Cafritz Management Trust u/d/t dated November 18, 2009, for which a Trust Certificate Pursuant to M.G.L. c. 184, §35 is filed as Document No. 137219	Certificate of Title No. 24266

with said Registry District of the Land Court; and James R. Beers and Thomas B. Wilner, Trustees of MBC Trust u/d/t dated January 9, 2011, for which a Certificate of Trustee under M.G.L. c. 184, §35 is filed as Document No. 139416 with said Registry District of the Land Court

<u>Parcel</u>	<u>Address/Location</u>	<u>Area ±</u>
Lot B	Henry Street	2,450 ±s.f.
<u>Assessor ID</u>	<u>Supposed Owner(s)</u>	<u>Title Reference</u>
Map 29, Parcel 16	David C. Wetherill, Trustee of Alice C. Wetherill Income Trust Agreement u/d/t dated November 23, 1987 and filed as Document No. 42394 with the Nantucket Registry District of the Land Court	Certificate of Title No. 13442

Any and all trees, vegetation, structures and improvements on the Parcels are included in this Order of Taking, except for existing timber groin and existing timber bulkhead which are located with said Parcels shown on said Plan.

The damages sustained by the supposed owner(s) listed above by reason of this taking of the Parcels are valued and awarded in a resolution of even date adopted by the Board of Selectmen in accordance with Massachusetts General Laws Chapter 79, as amended.

If any party named hereinabove as an owner of any Parcels taken hereby is not a true owner of said Parcels, then the award is made only to the true owner(s) of said Parcels.

Adopted under seal this 22 day June, 2016.

TOWN OF NANTUCKET
BY ITS BOARD OF SELECTMEN

James R. Kelly

Dawn E. Hill Holdgate

Rick Atherton

Robert DeCosta

Matthew G. Fee

COMMONWEALTH OF MASSACHUSETTS

Nantucket County, ss

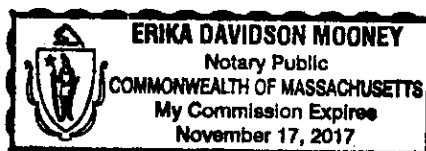
On this 24 day of June, 2016, before me, the undersigned notary public, personally appeared James R. Kelly, Dawn E. Hill Holdgate, Rick Atherton, Robert DeCosta and Matthew G. Fee as members of the Board of Selectmen of the Town of Nantucket, proved to me through satisfactory evidence of identification, which was personal knowledge of the undersigned, to be the persons whose names are signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose as the free act and deed of the Board of Selectmen of the Town of Nantucket.

Erika Davidson Mooney

Notary Public

My commission expires:

557493NANTYDSALE/0001





Town of Nantucket

♦♦♦♦♦

OFFICE OF THE TOWN & COUNTY CLERK

16 Broad Street
NANTUCKET, MASSACHUSETTS 02554-3590

Catherine Flanagan Stover, MMC, CMMC
Town & County Clerk

(508) 228-7216

FAX (508) 325-5313

Home: (508) 228-7841

Email: cstover@nantucket-ma.gov

flanaganstover@yahoo.com

townclerk@nantucket-ma.gov

WEBSITE: <http://www.nantucket-ma.gov>

♦♦♦♦♦

November 6, 2013

TO WHOM IT MAY CONCERN:

I, Catherine Flanagan Stover, duly elected Clerk of the Town and County of Nantucket, hereby certify that the November 4, 2013 SPECIAL TOWN MEETING adopted **Article 5: "Real Estate Acquisition: "Beachside Streets": Dix, Johnson, James, Henry, and Willard (aka William Street) Streets in Brant Point"** at the November 4, 2013 adjourned session when "...the adoption of all articles not heretofore acted upon as recommended by the Finance Committee, or as recommended by the Planning Board, was duly motioned, seconded, and voted in accordance with the motions recommended by the Finance Committee or, in the absence of a Finance Committee motion, then in accordance with the motions as recommended by the Planning Board, as printed in the Finance Committee Report, with technical amendments brought forward during the course of the meeting..."

VOTE: The vote on the motion pursuant to Article 5 as moved by the Planning Board was by Unanimous Voice Vote. The motion was adopted.

Catherine Flanagan Stover, MMC, CMMC
Town and County Clerk

ARTICLE 5

(Real Estate Acquisition: "Beachside Streets": Dix, Johnson, James, Henry
and Willard (a.k.a. William Street) Streets in Brant Point)

To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift or eminent domain the fee or lesser interests in all or any portion of the remaining so-called "Beachside Streets", first identified in Article 36 of the 1913 Annual Town Meeting, now known as Dix, Johnson, James, Henry and Willard (a.k.a. William Street) Streets between the northerly sideline of Hulbert Avenue and Nantucket Harbor together with the public and private rights of passage, for public ways, open space and/or general municipal purposes: and further, to raise and appropriate, borrow pursuant to applicable statute or transfer from available funds, a sum of money for such purposes;

All as shown on a map entitled "2013 Special Town Meeting Warrant Article 5" dated September 2013 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Board of Selectmen)

FINANCE COMMITTEE MOTION: Moved that the Board of Selectmen is hereby authorized to acquire by purchase, gift or eminent domain the fee or lesser interests in all or any portion of the remaining so-called "Beachside Streets", first identified in Article 36 of the 1913 Annual Town Meeting, now known as Dix, Johnson, James, Henry and Willard (a.k.a. William Street) Streets between the northerly sideline of Hulbert Avenue and Nantucket Harbor together with the public and private rights of passage, for public ways, open space and/or general municipal purposes;

All as shown on a map entitled "2013 Special Town Meeting Warrant Article 5" dated September 2013 and filed herewith at the Office of the Town Clerk.

Quantum of vote required for passage of this motion is a majority

DOC No: 00152091

NANTUCKET COUNTY LAND COURT
REGISTRY DISTRICT

** RECEIVED FOR REGISTRATION **

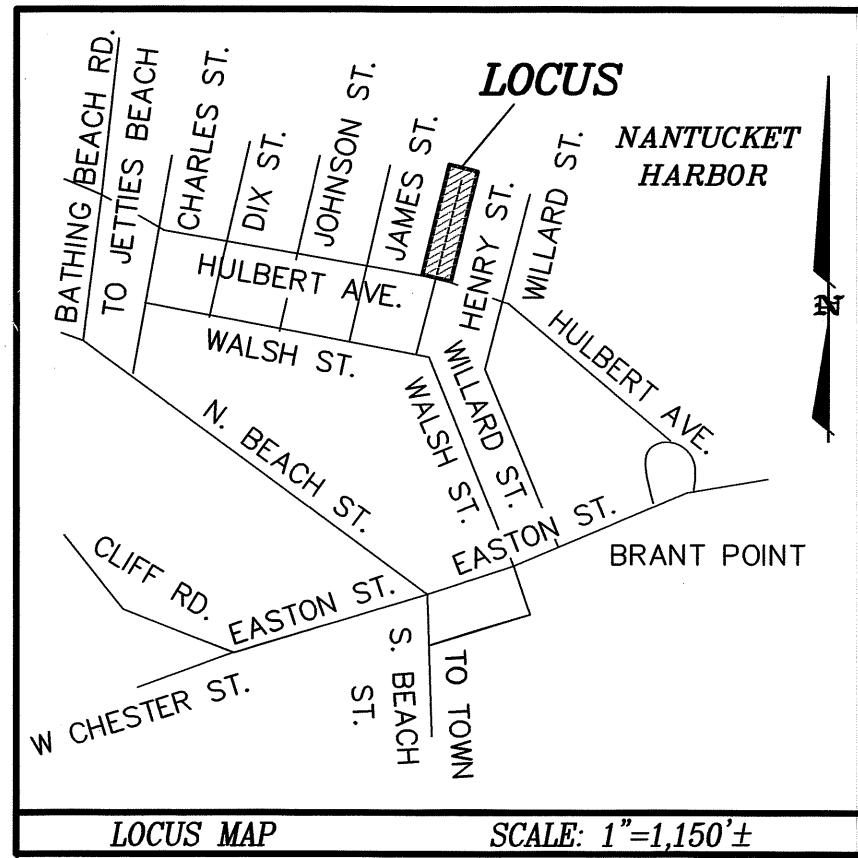
On: Jul 05, 2016 at 03:30P

Document Fee: 150.00 Rec Total: \$1,725.

00

CERTIFICATE No: 24266 v

Also noted on CERT 13442 ,



OWNER INFORMATION

ALICE C. WETHERILL INCOME TRUST AGREEMENT
CERT. OF TITLE 13442
L.C.C. 11176-D, LOT 1
ASSESSOR'S MAP 29, PARCEL 16
#45 HULBERT AVENUE

CARTER D. CAFRITZ MANAGEMENT TRUST
MELISSA CAFRITZ MANAGEMENT TRUST
MBC TRUST
CERT. OF TITLE #24266
L.C.C. 14586-B, LOT 2
ASSESSOR'S MAP 29, PARCEL 15
#47 HULBERT AVENUE

CURRENT ZONING CLASSIFICATION:
Residential 1 (R-1)

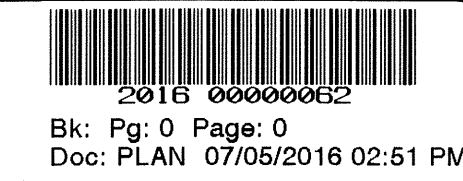
MINIMUM LOT SIZE: 5000 S.F.
MINIMUM FRONTAGE: 50 FT.
FRONT YARD SETBACK: 10 FT.
REAR/SIDE SETBACK: 5 FT.*
GROUND COVER % : 30 %

*139-16 C.(3): 10' SETBACK REQUIRED
FOR ANY STREET OR WAY.

6' WIDE FOOTPATH EASEMENT LINE TABLE		
LINE	BEARING	LENGTH
L1	S73°05'16"E	16.02'
L2	N17°38'59"E	23.18'
L3	N41°38'03"E	17.49'
L4	N12°04'57"E	10.09'
L5	N04°14'41"E	13.92'
L6	N26°05'40"E	19.80'
L7	S66°07'07"E	2.88'
L8	S67°10'04"E	3.96'
L9	S26°05'40"W	21.03'
L10	S04°14'41"W	10.96'
L11	S12°04'57"W	12.09'
L12	S41°38'03"W	17.80'
L13	S17°38'59"W	21.82'
L14	N73°05'16"W	5.51'
L15	N73°05'16"W	0.49'
L16	S73°05'16"E	7.71'
L17	S66°45'26"E	3.24'

BEACH EASEMENT LINE TABLE LOT A		
LINE	BEARING	LENGTH
L18	N66°07'07"W	9.37'
L19	N26°09'45"E	67.50'
L20	S71°14'08"E	16.25'
L21	S26°05'40"W	68.88'

BEACH EASEMENT LINE TABLE LOT B		
LINE	BEARING	LENGTH
L21	N26°05'40"E	68.88'
L22	S71°14'08"E	16.25'
L23	S26°01'34"W	34.43'
L24	N63°10'10"W	0.43'
L25	S26°49'50"W	9.59'
L26	N77°27'08"W	0.48'
L27	S24°58'37"W	24.85'
L28	N73°08'17"W	10.50'
L29	N67°10'04"W	5.27'



Bk: Pg: 0 Page: 0
Doc: PLAN 07/05/2016 02:51 PM

NANTUCKET REGISTRY OF DEEDS

Date: July 5, 2016

Time: 2:51 PM

Plan No.: 2016-62

Attest: *Carib Harrison*
Register

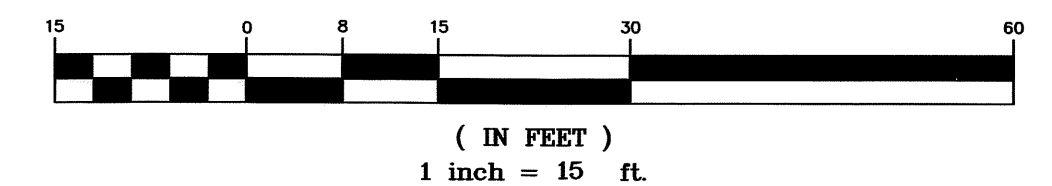
SHEET 1 OF 1
RESERVED FOR REGISTRY USE

TAKING AND DISPOSITION Plan of Land in Nantucket, MA Prepared for TOWN OF NANTUCKET

Scale: 1" = 15' JUNE 07, 2016

BLACKWELL & ASSOCIATES, Inc.
Professional Land Surveyors
20 TEASDALE CIRCLE
NANTUCKET, MASS. 02554
(508) 228-9026

GRAPHIC SCALE



Nantucket Board of Selectmen

Being a majority—

Jim Kelly
Jim Kelly, Chairman
Dawn Hill
Dawn Hill, Vice Chairman
Rick Atherton
Rick Atherton
Bob DeCosta
Bob DeCosta
Matt Fee
Matt Fee

DATE SIGNED: June 22, 2016

Nantucket Planning Board

APPROVAL UNDER THE
SUBDIVISION CONTROL LAW
NOT REQUIRED

Barry Rector
Barry Rector, Chairman
Linda Williams
Linda Williams, Vice Chairman
Nathaniel Lowell
Nathaniel Lowell
Joseph Mangione
Joseph Mangione
John Hudel III
John Hudel III

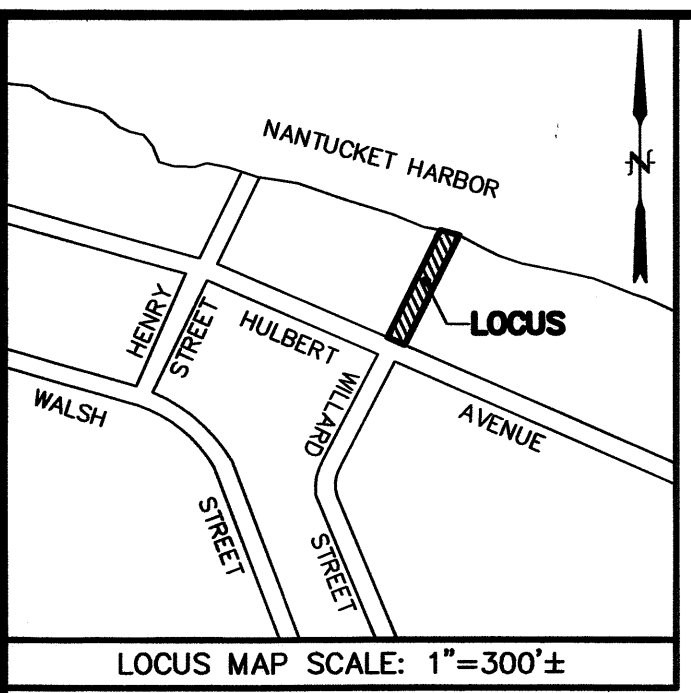
June 13, 2016 7987
DATE SIGNED FILE #

B7871



2014 00000036
Bk: Pg: 0 Page: 0
Doc: PLAN 05/02/2014 02:35 PM

NANTUCKET REGISTRY OF DEEDS
Date 05/02/2014
Time 2:35 PM
Plan BK. _____ PG. _____
Plan File No. 2014-36
Attest: Janifer J. Ferreira Register
Sheet 1 of 1
RESERVED FOR REGISTRY USE ONLY



REFERENCES:
OWNER: THIRTY-NINE HULBERT, LLC
DEED REF.: L.C. CERT. #24425
PLAN REF.: L.C. PLAN NO. 11129-D
ASSESSORS REF.: MAP 29 PARCEL 19
OWNER: ELLEN & RONALD CAPLAN
DEED REF.: L.C. CERT. #25022
PLAN REF.: L.C. PLAN NO. 11454-B
ASSESSORS REF.: MAP 29 PARCEL 20

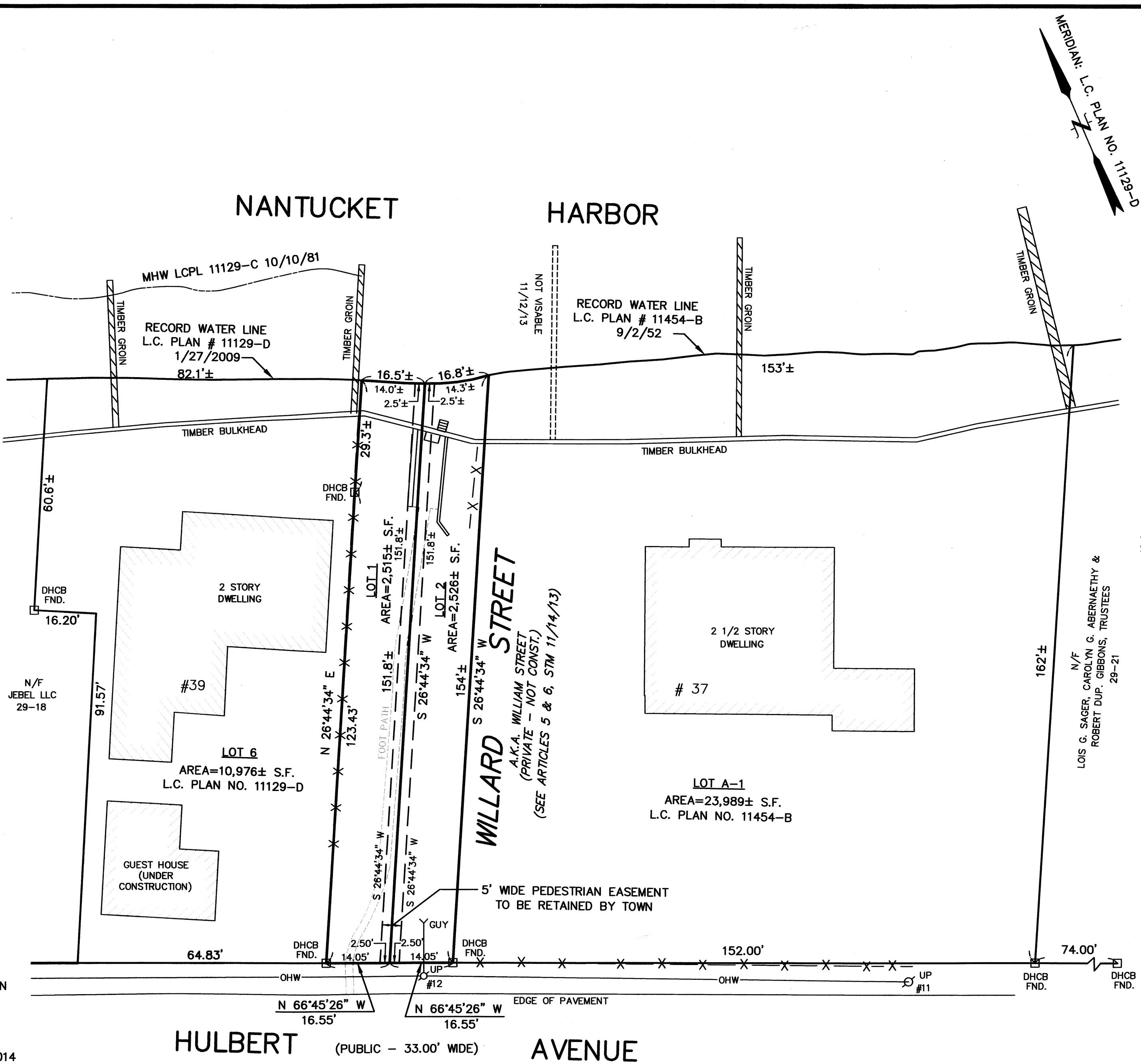
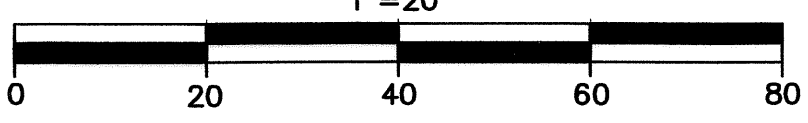
ZONING CLASSIFICATION
DISTRICT: R-1
MINIMUM LOT SIZE = 5,000 S.F.
MINIMUM FRONTAGE = 50'
FRONT YARD SETBACK = 10'
SIDE & REAR LINE SETBACK = 5'
ALLOWABLE GROUND COVER RATIO = 30%

LEGEND:
DHCB DRILL HOLE/CONCRETE BOUND
FND FOUND
N/F NOW OR FORMERLY
OHW OVERHEAD WIRES
S.F. SQUARE FEET
-X-X- STOCKADE FENCE

PLAN OF LAND
ACQUISITION AND DISPOSITION PLAN
WILLARD STREET
IN
NANTUCKET, MASSACHUSETTS
SCALE: 1"=20' DATE: APRIL 7, 2014

PREPARED FOR:
TOWN OF NANTUCKET
NANTUCKET SURVEYORS, LLC
5 WINDY WAY
NANTUCKET, MA 02554
(508) 228-0240

GRAPHIC SCALE
1"=20'



NANTUCKET BOARD OF SELECTMEN
APPROVED PURSUANT TO ARTICLES 5 & 6
SPECIAL TOWN MEETING, NOVEMBER 14, 2013.

RICK ATHERTON, CHAIRMAN
BOB DE COSTA, VICE-CHAIRMAN
BRUCE MILLER
MATT FEE
TOBIAS GIBBON
5.1.14
DATE

NANTUCKET PLANNING BOARD
APPROVAL UNDER THE
SUBDIVISION CONTROL LAW
NOT REQUIRED
BARRY RECTOR, CHAIRMAN
LINDA WILLIAMS, VICE-CHAIRMAN
NATHANIEL LOWELL

JOHN MCLAUGHLIN
SYLVIA HOWARD
DATE APPROVED 4-14-14
DATE SIGNED 4-14-14
FILE NO. 7677

"I HEREBY CERTIFY THAT THIS PLAN HAS BEEN
PREPARED IN ACCORDANCE WITH THE RULES
AND REGULATIONS OF THE REGISTERS OF DEEDS
OF THE COMMONWEALTH OF MASSACHUSETTS."
Paul J. Santos 4/7/14
PROFESSIONAL LAND SURVEYOR DATE



N-10150



2014 00144713

 Cert: 24425 Doc: OOT
 Registered: 06/06/2014 03:29 PM

COMMONWEALTH OF MASSACHUSETTS
 TOWN OF NANTUCKET
 BOARD OF SELECTMEN

ORDER OF TAKING BY EMINENT DOMAIN
 OF PORTIONS OF WILLARD STREET AKA WILLIAM STREET

The undersigned being the majority of the duly elected and serving members of the Board of Selectmen of the Town of Nantucket, a body politic and corporate and a political subdivision of the Commonwealth of Massachusetts, having a principal place of business at Town and County Building, 16 Broad Street, Nantucket, Massachusetts ("Town"), acting by authority of Massachusetts General Laws Chapter 40, § 14 and Chapter 79, as amended, Article III, Section 3.3 of the Town Charter, St. 1996, c. 289, § 1, and the vote adopted by the Town on Article 5 at its 2013 Annual Town Meeting, a certified copy of which is attached hereto, and by virtue of every other power and authority hereto enabling us, having complied with all the preliminary requirements prescribed by law, having determined that the taking of the fee in those certain parcels of land comprising portions of Willard Street aka William Street described below ("Parcels") is required for public access purposes, open space and/or general municipal purposes, do hereby adopt and decree this Order of Taking on behalf of the Town and do hereby take from the supposed owners of the Parcels, those who hold easements and other rights to the Parcels, and all their successors, heirs and assigns, as their interests may appear, by the right of eminent domain, the fee in the Parcels, including but not limited to all rights of passage, if any, as follows:

The land shown on a plan of land entitled "Plan of Land, Acquisition and Disposition Plan, Willard Street in Nantucket, Massachusetts," dated April 7, 2014, Prepared by Nantucket Surveyors, LLC. recorded with the Nantucket Registry of Deeds as Plan No. 2014-36 (the "Plan") and consisting of the following Parcels described on the Plan:

<u>Parcel</u>	<u>Address/Location</u>	<u>Area ±</u>
Lot 1	Willard Street	2,515 s.f.

<u>Assessor ID</u>	<u>Supposed Owner(s)</u>	<u>Title Reference</u>
Map 29, Parcel 19	Thirty-Nine Hulbert, LLC	Certificate of Title No. 24425

<u>Parcel</u>	<u>Address/Location</u>	<u>Area ±</u>
Lot 2	Willard Street	2,526 s.f.

<u>Assessor ID</u>	<u>Supposed Owner(s)</u>	<u>Title Reference</u>
Map 29, Parcel 20	Ellen and Ronald Caplan	Certificate of Title No. 25022

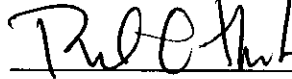
Any and all trees, vegetation, structures and improvements at the Parcels are included in this Order of Taking, except for those improvements constructed within the boundaries of Willard Street owned by the above-named Owners, if any, and excepting any rights as described in the Licenses dated February 4, 1993 from the Commonwealth of Massachusetts, Department of Environmental Protection filed with Nantucket Registry District of the Land Court as Document No. 59669 and Document No. 59670 .

The damages sustained by the supposed owner(s) listed above by reason of this taking of the Parcels are valued and awarded in a resolution of even date adopted by the Board of Selectmen in accordance with Massachusetts General Laws Chapter 79, as amended.

If any party named hereinabove as an owner of any Parcels taken hereby is not a true owner of said Parcels, then the award is made only to the true owner(s) of said Parcels.

Adopted under seal this 28 day May, 2014

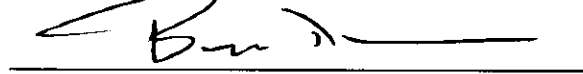
TOWN OF NANTUCKET
BY ITS BOARD OF SELECTMEN



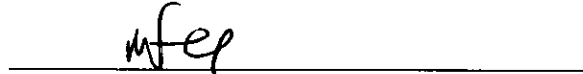
Rick Atherton



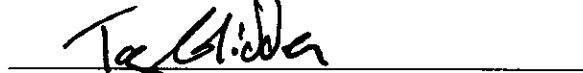
Robert DeCosta



Bruce D. Miller



Matthew G. Fee

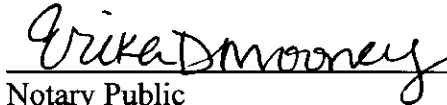


Tobias B. Glidden

COMMONWEALTH OF MASSACHUSETTS

Nantucket County, ss

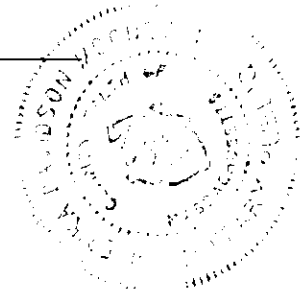
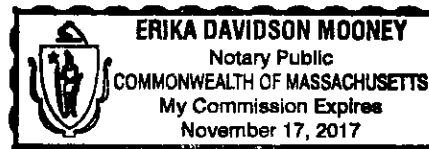
On this 28 day of May, 2014, before me, the undersigned notary public, personally appeared Rick Atherton, Robert DeCosta, Bruce D. Miller, Matthew G. Fee and Tobias B. Glidden as members of the Board of Selectmen of the Town of Nantucket, proved to me through satisfactory evidence of identification, which was personal knowledge of the undersigned, to be the persons whose names are signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose as the free act and deed of the Board of Selectmen of the Town of Nantucket.



Notary Public

My commission expires:

498939/NANTYDSALE/0001





Town of Nantucket

♦♦♦♦♦

OFFICE OF THE TOWN & COUNTY CLERK

16 Broad Street
NANTUCKET, MASSACHUSETTS 02554-3590

Catherine Flanagan Stover, MMC, CMMC
Town & County Clerk

(508) 228-7216
FAX (508) 325-5313
Home: (508) 228-7841
Email: cstover@nantucket-ma.gov
flanaganstover@yahoo.com
townclerk@nantucket-ma.gov

WEBSITE: <http://www.nantucket-ma.gov>

♦♦♦♦♦

November 6, 2013

TO WHOM IT MAY CONCERN:

I, Catherine Flanagan Stover, duly elected Clerk of the Town and County of Nantucket, hereby certify that the November 4, 2013 SPECIAL TOWN MEETING adopted **Article 5: "Real Estate Acquisition: "Beachside Streets": Dix, Johnson, James, Henry, and Willard (aka William Street) Streets in Brant Point"** at the November 4, 2013 adjourned session when "...the adoption of all articles not heretofore acted upon as recommended by the Finance Committee, or as recommended by the Planning Board, was duly motioned, seconded, and voted in accordance with the motions recommended by the Finance Committee or, in the absence of a Finance Committee motion, then in accordance with the motions as recommended by the Planning Board, as printed in the Finance Committee Report, with technical amendments brought forward during the course of the meeting..."

VOTE: The vote on the motion pursuant to Article 5 as moved by the Planning Board was by Unanimous Voice Vote. The motion was adopted.

Catherine Flanagan Stover, MMC, CMMC
Town and County Clerk

ARTICLE 5

(Real Estate Acquisition: "Beachside Streets": Dix, Johnson, James, Henry
and Willard (a.k.a. William Street) Streets in Brant Point)

To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift or eminent domain the fee or lesser interests in all or any portion of the remaining so-called "Beachside Streets", first identified in Article 36 of the 1913 Annual Town Meeting, now known as Dix, Johnson, James, Henry and Willard (a.k.a. William Street) Streets between the northerly sideline of Hulbert Avenue and Nantucket Harbor together with the public and private rights of passage, for public ways, open space and/or general municipal purposes: and further, to raise and appropriate, borrow pursuant to applicable statute or transfer from available funds, a sum of money for such purposes;

All as shown on a map entitled "2013 Special Town Meeting Warrant Article 5" dated September 2013 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Board of Selectmen)

FINANCE COMMITTEE MOTION: Moved that the Board of Selectmen is hereby authorized to acquire by purchase, gift or eminent domain the fee or lesser interests in all or any portion of the remaining so-called "Beachside Streets", first identified in Article 36 of the 1913 Annual Town Meeting, now known as Dix, Johnson, James, Henry and Willard (a.k.a. William Street) Streets between the northerly sideline of Hulbert Avenue and Nantucket Harbor together with the public and private rights of passage, for public ways, open space and/or general municipal purposes;

All as shown on a map entitled "2013 Special Town Meeting Warrant Article 5" dated September 2013 and filed herewith at the Office of the Town Clerk.

Quantum of vote required for passage of this motion is a majority

DOC No: 00144713

NANTUCKET COUNTY LAND COURT
REGISTRY DISTRICT

** RECEIVED FOR REGISTRATION **

On: Jun 06, 2014 at 03:29P

Document Fee: 150.00 Rec Total: \$3,375.

00

CERTIFICATE No: 24425

Also noted on CERT 25022

DOCUMENT NO. 072314

Order of Taking

Nantucket Registry District

JUN 06 1996

RECEIVED FOR REGISTRATION

11 O'CLOCK 15 M A

NOTED ON CERTIFICATE NO. 4333 ✓

IN REGISTRATION BOOK PAGE

ATTEST *Sandra M. Chadwick*
ASST REGISTER

NOTED ON CERTIFICATE NO. 6977 ✓

IN REGISTRATION BOOK PAGE

NOTED ON CERTIFICATE NO. 7967 ✓

IN REGISTRATION BOOK PAGE

NOTED ON CERTIFICATE NO. 8901 ✓

IN REGISTRATION BOOK PAGE

NOTED ON CERTIFICATE NO. 14645 ✓

IN REGISTRATION BOOK PAGE

NOTED ON CERTIFICATE NO. 14731 ✓

IN REGISTRATION BOOK PAGE

JUN 06 1996
NANTUCKET COUNTY
REC'D ENTERED

11:15 AM
SANDRA M CHADWICK
ATTEST REGISTER

DOCUMENT NO. 072314

NOTED ON CERTIFICATE NO. 15347 ✓
IN REGISTRATION BOOK PAGE

NOTED ON CERTIFICATE NO. 17091 ✓
IN REGISTRATION BOOK PAGE

NOTED ON CERTIFICATE NO. 17134 ✓
IN REGISTRATION BOOK PAGE

BOOK 0506 PAGE 301

COUNTY OF NANTUCKET
ORDER OF LAYOUT AND TAKING
WAY BETWEEN 11 AND 13 BROADWAY AND ON FRONT STREET, SIASCONSET

SEE PLFL 48-5

The undersigned being the majority of the duly elected and serving members of the County Commissioners (the "Commissioners") for the County of Nantucket (the "County"), acting by authority of Massachusetts General Laws Chapters 82 and 79, as amended, having complied with all of the preliminary requirements prescribed by law, having determined that common convenience and necessity requires the layout of a public way from Broadway to Beach Street a/k/a Middle Gulley Road, as shown on the Plan described hereinafter, do hereby adopt and decree this Order of Layout and Taking and do hereby take by eminent domain on behalf of the County, the following land (the "Parcels") in the Town and County of Nantucket, and do hereby lay out thereon a public way to be known as the "Beach Street Extension", bounded and described as follows:

The land shown on a plan entitled "Plan of Taking for the Nantucket County Commissioners of Part of Front Street and a Way Between Front Street and Broadway in Nantucket (Siaconset), Massachusetts," Scale 1" - 10', dated January 1, 1996, by Nantucket Surveyors, Inc. (the "Plan").

The taking is in fee simple absolute, excluding, however any interest of the Proprietors of the Island of Nantucket therein.

Any vegetation or improvements on the land above-described are included in this Order of Taking.

The damages sustained by reason of this taking by any and all persons owning an interest in the Parcels are valued and awarded in a resolution of even date adopted by the Commissioners. If any party named hereinafter as an owner of any Parcel taken is not a true owner of said Parcel, then the award is made only to the true owners of said Parcel.

The names of the supposed owners or claimants of the Parcels are set forth on Exhibit A, attached hereto and made a part hereof.

Adopted under seal at Nantucket this 5th day of June, 1996.

THE COUNTY OF NANTUCKET
By its Commission Members

Debra L. Desroches
Phyllis L. Keller
Charles J. Garaboldi
Timothy M. Senerino

COMMONWEALTH OF MASSACHUSETTS

Nantucket County, ss.

June 5, 1996

Then personally appeared the above-named Arthur L. Desrosiers,
Pamela L. Miller, Charles J. Gardner and Timothy M. Saverio as they
constitute a majority of the Nantucket County Commissioners, and
acknowledge the foregoing instrument to be their free act and deed,
before me,

Nancy S. Oliver
Notary Public NANCY S. OLIVER
My commission expires: 9/16/99

KBG\layout\taking.ord

COUNTY OF NANTUCKET
EXHIBIT A TO ORDER OF TAKING
WAY BETWEEN 11 AND 13 BROADWAY AND ON FRONT STREET, SIASCONSET

follows: The names of the supposed owners or claimants of the Parcel(s) identified on the Order of Taking to which this Exhibit A is attached are as

Taking Parcel:	Assessor's Map:	Supposed Owner	Supposed Mortgagee	Other Interested Parties	Book/Page
T-1	7313/71	Briggs, Charles Christian, 111 27 Union Street Nantucket, MA 02554	Nantucket Institution for Savings P. O. Box 938 Nantucket, MA 02554	<i>Nide S. Baar Bellevue Ave. Rye, N.Y.</i>	<i>Book/Page 148/144</i>
T-2	7313/100	Soeder, Lisa & Kenneth F. 97 Old Ponsett Road Haddam, CT 06438	Fleet Mortgage Co. P. O. Box 100563 Florence, SC 29501-5603	Louise Evans	<i>398/301</i>
T-3	7313/70	Schreiber, S. Vanzandt Jr. & Dorinda 718 Silvermine Road New Canaan, CT 06840	Plymouth Savings Bank 226 Main St., P. O. Box 431 Wareham, MA 02571		<i>221/320</i>
T-4	7313/75	Darling, Boyd Dickinson & Michael Bradley Trs. c/o 7 Avocet Lane Kiawah Island, SC 29455	Cooke, Betsey Hill Blundell 3145 Pinellas Point Drive South St. Petersburg, FL	Darling, Edith Dickinson 7 Avocet Lane Kiawah Island, SC 29455	<i>404/290</i>
T-5	7313/99	Reade, Arthur I. Jr. Tr. Front Bank Trust P. O. Box 2669 Nantucket, MA 02584	Boston Safe Deposit and Trust Co. One Boston Place Boston, MA 02108		<i>360/30</i>
T-6	7313/28	Heinemann, Anne & Landzer, H Isabel & Van Deusen, Margaret Tr. 12A Linden Street Brookline, MA 02146	<i>ANNE HEINEMANN, Tr Isabel Landzer, Tr Margaret H. Van Deusen, Tr Landrum Kelly Trust</i>		<i>C. 14, 731</i>
T-7	7313/29	Lukens, Walter P. & Sylvia 323 N. Pitt Street Alexandria, VA 22314			<i>174/323</i>
T-8	7313/69	Mickerson, Carol c/o Johnson, Gail N. P. O. Box 3270 Nantucket, MA 02584			<i>132/470</i>

Taking Assessor's
Parcel: Map:

Supposed
Owner

Supposed
Mortgagee

Other Interested
Parties

Book/Page

T-9 7313/72

Schreiber, S. Vanzandt Jr.
& Dorinda
718 Silvermine Road
New Canaan, CT 06840

~~Widore J. Vanzandt~~
~~Bankers Ave.~~
~~NY, NY~~

See T-3

T-10 7313/90

Mattoon, Bruce P. &
Dorothy W. Tr.
Matton Realty Trust
2841 Sancho Panza Ct.
Punta Gorda, FL 33950

382/201

T-11 7313/91

Whitney, John R. & Susan M.
4-17-40 Minami Aoyama
Minato-Ku Tokyo 107
Japan

~~Bank United of Texas~~
~~3200 Southwest Freeway #2000~~
~~Houston, TX 77027~~

*Chase Manhattan
Personal Financial Services
1 Newton Executive Park
Newton, MA 02162*

482/251

T-12 7313/92

Dorn, Elizabeth Griggs, ~~et al.~~
1407 Kersey Lane
Rockville, MD 20854

C 15347

T-13 7313/93

Dorn, Elizabeth Griggs, ~~et al.~~
1407 Kersey Lane
Rockville, MD 20854

See T-12

T-14 7313/94

Divalmarana, Betty
RFD 6 Simonetta
Charlottesville, VA 22901

142/287

T-15 7313/95

Fraser, Dorothy D. ~~M/k/a~~ Volians *Dorothy D.*
P. O. Box 622
Front Street
Nantucket, MA 02564

C 7967

T-16 7313/97

Todd, Dorothy Jane
751 Wadsworth Road
Medina, OH 44256

C 8901

T-17 7313/98

Grua, Peter J. & O'Connell, Mary G.
28 Garden Street
Boston, MA 02114

C 17134

T-18 7313/108

Welton, Charles E.
20 Miller Street
Medfield, MA 02052

137/1

T-19 7313/109

Gendel, Craig H. & Kathleen
38 Lyons Plains Road
Weston, CT 06883

C 17091

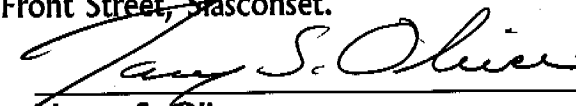
*Chase Manhattan
Personal Financial Services
1900 Grand Blvd, NW
Suite 110
Boca Raton, FL 33431*

072314

Taking Parcel:	Assessor's Map:	Supposed Owner	Supposed Mortgage	Other Interested Parties
T-20	7313/110	Porter, Joan B., et al Trs. 1255 Smith Ridge Road New Canaan, CT 06840		<i>Book/Page</i> 375/329
T-21	7313/111	Gallagher, Henry M. & Helen I. Tr. Gallagher Family Trust P. O. Box 235 Hadley, MA 01035-0235		331/278
T-22	7313/112	Churchill, Daniel et al. c/o Robert Farley 310 N. Pembroke Suncook, NH 03275		424/137
T-23	7313/113	Pine, Donald M. 3714 Matheson Ave. Miami, FL 33133-6736	<i>Bocton Five Cents Savings Bank</i> 10 School St. Boston, MA 02105	414/44
T-24	7324/4	Rodts, Forrest A. Tr. Old Gardner House Trust 17 Glover Square Marblehead, MA 01945		404/213
T-25	7324/5	Rodts, Forrest A. Tr. Old Gardner House Trust 17 Glover Square Marblehead, MA 01945		see T-24
T-26	7324/37	Smith, Julia C. 306 Hellan Street Wrightsville, PA 17368		C6977
T-27	7324/38	Regan, Amy H. & Goldsmith, * aka Catherine L. Harper Goldsmith c/o Catherine Goldsmith 54 Turtleback Road Califon, NJ 07830		C14645
T-28	7324/39	Regan, Amy Harper & Goldsmith, Catherine Harper 54 Turtleback Road Califon, NJ 07830		See T-27
T-29	7324/40	Smith, Julia C. 306 Hellan Street Wrightsville, PA 17368		See T-26
T-30	7324/41	Hill, Fanny M. 3131 M. Golf Course Road Owings Hills, MD 21117		C4333

Edith D Harper
3207 Bermuda Village
Advance, N.C. 27006

At its meeting of June 5, 1996, at the Large Group Instruction Room, Nantucket High School, Nantucket, MA 02554, the Nantucket County Commissioners voted to Layout and Take, by Eminent Domain, a Public Way, to be known as "Beach Street Estension" between 11 and 13 Broadway and on Front Street, Stasconset.


Nancy S. Oliver
Assistant County Administrator

JUN 06 1996

11:15 AM

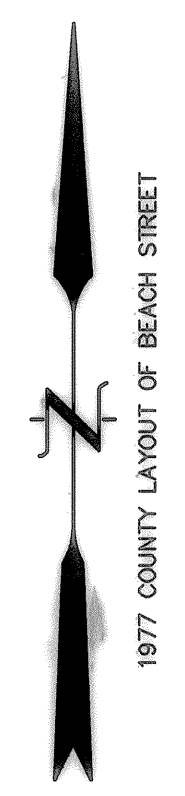
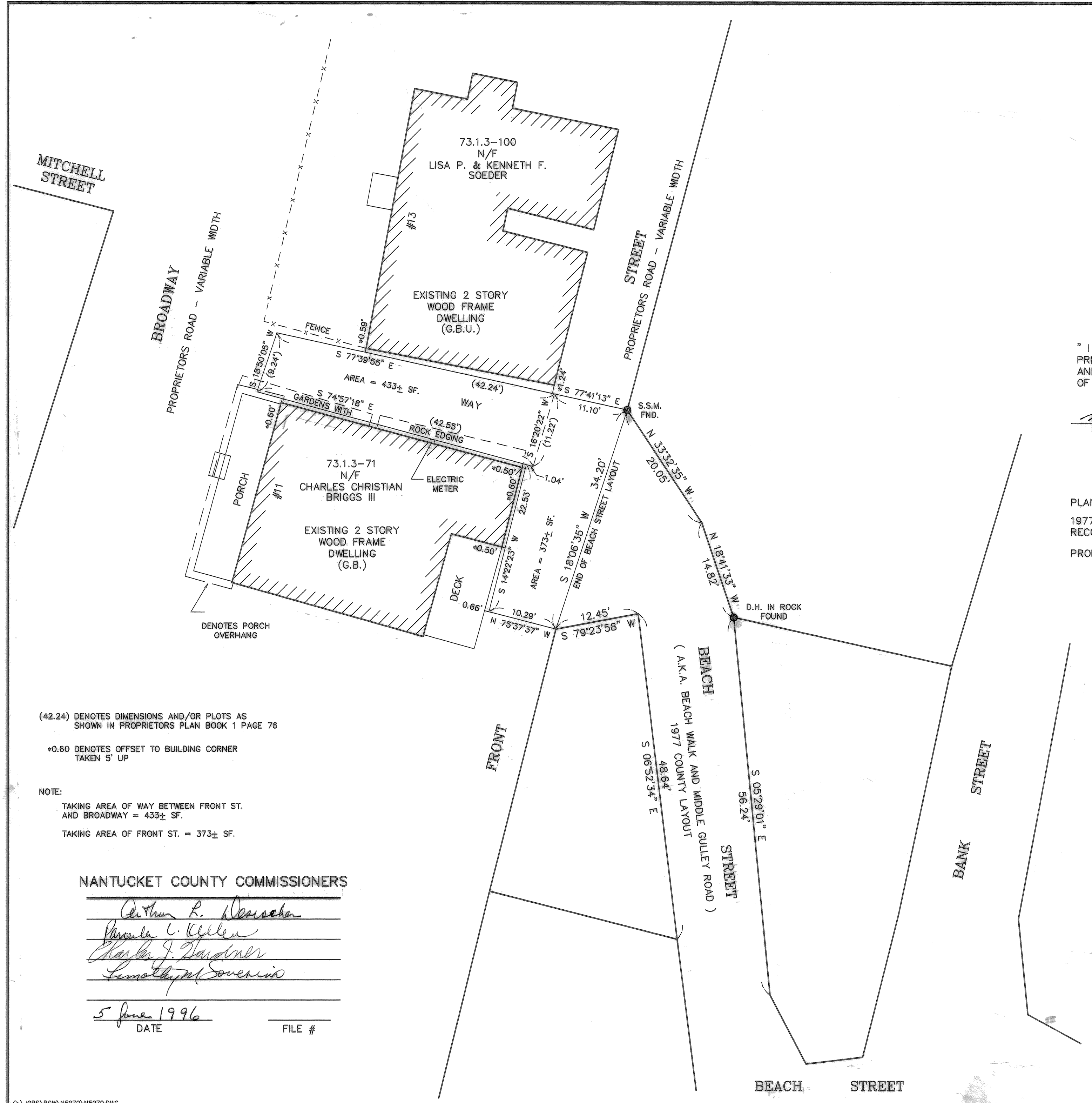
NANTUCKET COUNTY

SANDRA M. CHADWICK

REC'D ENTERED

ATTEST REGISTER

COUNTY OF NANTUCKET
TAKING
FRONT ST
+ BROADWAY
+ WAY
IN BETWEEN
BOTH

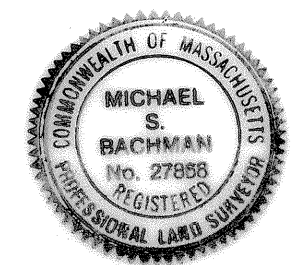


NANTUCKET REGISTRY OF DEEDS
Date JUNE 6, 1996
Time 11:15 AM
Plan BK. _____ PG. _____
Plan File 48-5
Attest: Sandra M. Chadwick
Register

RESERVED FOR REGISTRY USE ONLY

" I HEREBY CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS."

Michael S. Bachman 1/1/96
PROFESSIONAL LAND SURVEYOR DATE



PLAN REFERENCES:
1977 BEACH STREET TAKING
RECORDED IN ROAD DRAWER #1
PROPRIETORS PLAN BOOK #1: PAGE 76

(42.24) DENOTES DIMENSIONS AND/OR PLOTS AS SHOWN IN PROPRIETORS PLAN BOOK 1 PAGE 76
*0.60 DENOTES OFFSET TO BUILDING CORNER TAKEN 5' UP

NOTE:
TAKING AREA OF WAY BETWEEN FRONT ST. AND BROADWAY = 433± SF.
TAKING AREA OF FRONT ST. = 373± SF.

NANTUCKET COUNTY COMMISSIONERS

Arthur R. Worscha
Barbara C. Kellen
Charles J. Dargatzis
Leonard J. Soverino

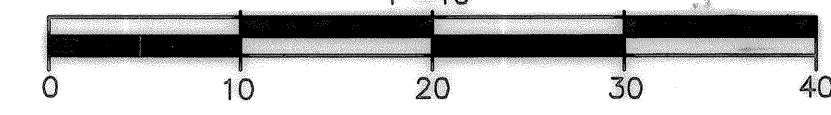
5 June 1996
DATE FILE #

PLAN OF TAKING
FOR
THE NANTUCKET COUNTY COMMISSIONERS
OF
PART OF FRONT STREET
AND
A WAY BETWEEN FRONT STREET AND BROADWAY
IN
NANTUCKET (SIASCONSET), MASSACHUSETTS

SCALE: 1"=10' DATE: JANUARY 1, 1996

NANTUCKET SURVEYORS, INC.
5 WINDY WAY
NANTUCKET, MA. 02554
(508)-228-0240

GRAPHIC SCALE
1"=10'

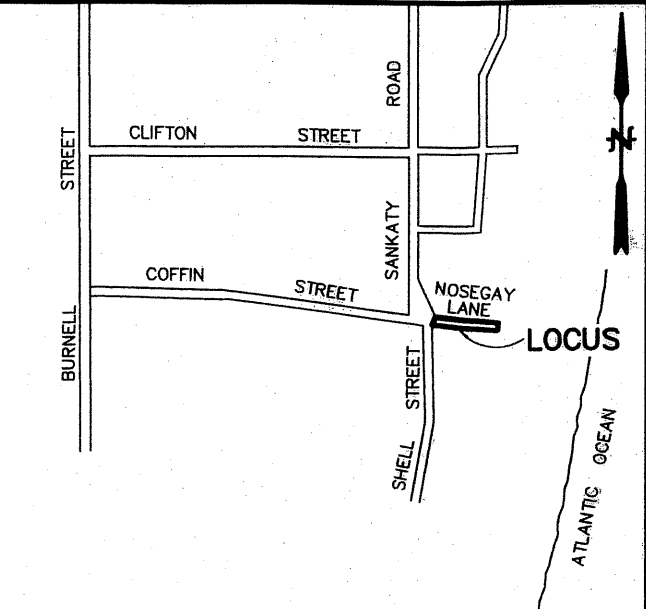


NANTUCKET REGISTRY OF DEEDS
Date 05/29/2012
Time 11:18 AM
Plan BK. _____ PG. _____
Plan File No. 2012-41

Attest: Annib+Jennies
Register

Sheet 1 of 1

RESERVED FOR REGISTRY USE ONLY



LOCUS MAP SCALE: 1"=1300'±

NANTUCKET BOARD OF SELECTMEN

APPROVED PURSUANT TO ARTICLE 74
ANNUAL TOWN MEETING APRIL 5, 2010.

Rick Atherton
RICK ATHERTON, CHAIRMAN

BOB DECOSTA
Bob Decosta
WHITEY WILLAUER

MICHAEL KDPKO
Michael KDPKO
PATRICIA ROGGEVEEN

DATE

PLANNING BOARD ENDORSEMENT DOES
NOT CONSTITUTE A DETERMINATION OF
CONFORMANCE UNDER ZONING.

NANTUCKET PLANNING BOARD

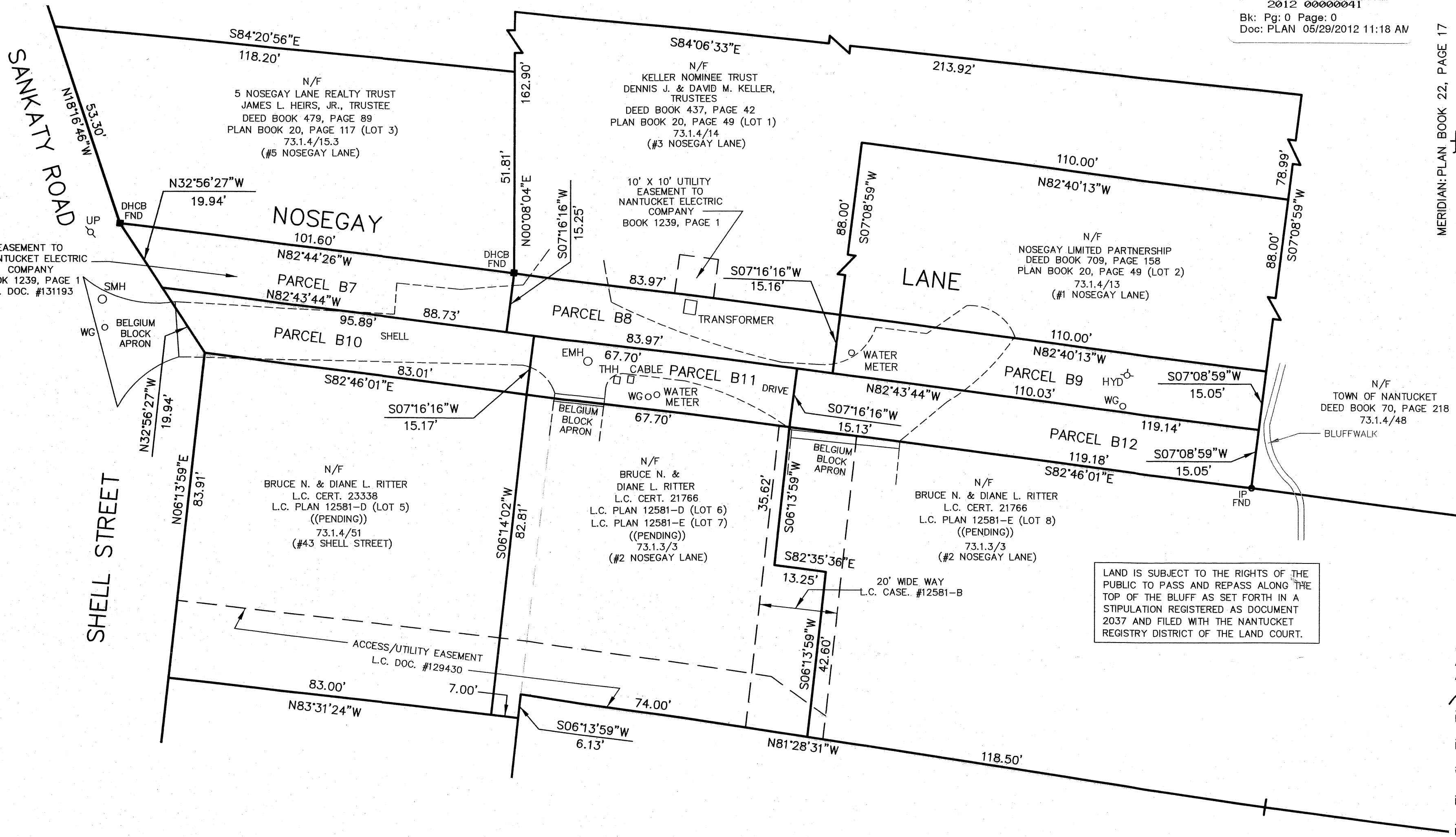
APPROVAL UNDER THE
SUBDIVISION CONTROL LAW
NOT REQUIRED

Barry Rector
BARRY RECTOR, CHAIRMAN

Sylvia Howard
SYLVIA HOWARD, VICE CHAIRMAN
Nathaniel Lowell
NATHANIEL LOWELL

John McLaughlin
JOHN MC LAUGHLIN
LINDA WILLIAMS

DATE APPROVED 04-09-2012
DATE SIGNED 04-09-2012
FILE NO. 2427



PLAN TO ACQUIRE LAND FOR
ROADWAY PURPOSES
NOSEGAY LANE
IN
NANTUCKET, MASSACHUSETTS
PREPARED FOR:
TOWN OF NANTUCKET
SCALE: 1"=40' DATE: OCTOBER 10, 2011

PARCEL NO.	MAP & PLOT	AREA	OWNER
B7	73.1.4-15.3	1,451± S.F.	JAMES L. HEIRS, JR., TRUSTEE
B8	73.1.4-14	1,277± S.F.	DENNIS J. & DAVID M. KELLER, TRUSTEES
B9	73.1.4-13	1,662± S.F.	NOSEGAY LIMITED PARTNERSHIP
B10	73.1.4-51	1,360± S.F.	BRUCE N. & DIANE L. RITTER
B11	73.1.3-3 (LOTS 6 & 7)	1,026± S.F.	BRUCE N. & DIANE L. RITTER
B12	73.1.3-3 (LOT 8)	1,799± S.F.	BRUCE N. & DIANE L. RITTER

"I HEREBY CERTIFY THAT THIS PLAN HAS BEEN
PREPARED IN ACCORDANCE WITH THE RULES
AND REGULATIONS OF THE REGISTERS OF DEEDS
OF THE COMMONWEALTH OF MASSACHUSETTS."

Paul J. Santos
PROFESSIONAL LAND SURVEYOR
10/10/11
DATE

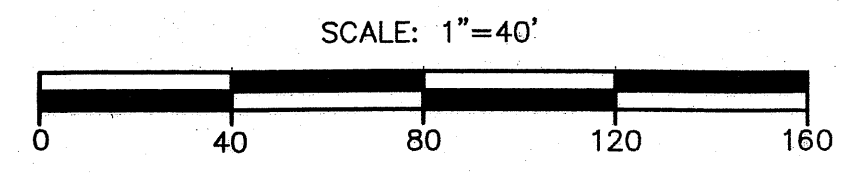


LEGEND:

- DHCB DRILL HOLE/CONCRETE BOUND
- FND FOUND
- IP IRON PIPE
- N/F NOW OR FORMERLY
- X-X- BOARD FENCE

NOTES:

- THE PREMISES SHOWN ON THIS PLAN ARE LOCATED WITHIN THE "X" ZONE AS DELINEATED ON THE "FIRM" MAP OF COMMUNITY NO. 250230 0004 D; MAP REVISED: 11/06/1996 BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.
- THE PLANNING BOARD DETERMINES THAT:
LOT(S) PARCELS 'B7' THRU 'B12' DO NOT CONTAIN AREAS SUBJECT TO PROTECTION UNDER THE MASSACHUSETTS WETLANDS PROTECTION ACT WHICH ARE REQUIRED TO BE EXCLUDED FROM LOT AREA UNDER THE NANTUCKET ZONING BY-LAW BUT STILL MAY BE SUBJECT TO PROTECTION UNDER STATE AND LOCAL WETLAND BYLAWS. DETERMINATION OF APPLICABILITY MAY BE OBTAINED THROUGH APPLICATION TO THE CONSERVATION COMMISSION.





2012 00001605

Bk: 1329 Pg: 49 Page: 1 of 7
Doc: OOT 05/29/2012 11:18 AMCOMMONWEALTH OF MASSACHUSETTS
TOWN OF NANTUCKET
BOARD OF SELECTMEN

2012 00137221

Cert: 22770 Doc: OOT
Registered: 05/29/2012 11:19 AMORDER OF TAKING BY EMINENT DOMAIN
OF PORTIONS OF NOSEGAY LANE

The undersigned being the majority of the duly elected and serving members of the Board of Selectmen of the Town of Nantucket, a body politic and corporate and a political subdivision of the Commonwealth of Massachusetts, having a principal place of business at Town and County Building, 16 Broad Street, Nantucket, Massachusetts ("Town"), acting by authority of Massachusetts General Laws Chapter 40, § 14 and Chapter 79, as amended, Article III, Section 3.3 of the Town Charter, St. 1996, c. 289, § 1, and the vote on Article 74 adopted by the Town at its 2010 Annual Town Meeting, a certified copy of which is attached hereto, and by virtue of every other power and authority hereto enabling us, having complied with all the preliminary requirements prescribed by law, having determined that the taking of the permanent easements in those certain parcels of land comprising Nosegay Lane described below ("Parcels") is required for the layout of Nosegay Lane for public road purposes, do hereby adopt and decree this Order of Taking on behalf of the Town and do hereby take from the supposed owners of the Parcels, those who hold easements and other rights to the Parcels, and all their successors, heirs and assigns, as their interests may appear, by the right of eminent domain, the permanent easements in the Parcels, including but not limited to all rights of passage, if any, in the Parcels and lay out the Parcels for the purpose of establishing Nosegay Lane as a public road, which parcels are bounded and described as follows:

The land shown on a plan of land entitled "Plan to Acquire Land for Roadway Purposes, Nosegay Lane in Nantucket, Massachusetts, Prepared for Town of Nantucket," dated December 10, 2011, prepared by Nantucket Surveyors, LLC (the "Plan") recorded with Nantucket County Registry of Deeds as Plan No. 2012-41 and consisting of the following Parcels described on the Plan:

<u>Parcel</u>	<u>Address/Location</u>	<u>Area ±</u>
Parcel B7	Nosegay Lane	1,451 s.f.
<u>Assessor ID</u>	<u>Supposed Owner(s)</u>	<u>Title Reference</u>
Map 73.1.4 Parcel 15.3	James L. Hiers, Jr. Trustee of 5 Nosegay Lane Realty Trust u/d/t dated July 31, 1995 recorded with said Deeds in Book 479, Page 82	Book 479, Page 89

<u>Parcel</u>	<u>Address/Location</u>	<u>Area ±</u>
Parcel B8	Nosegay Lane	1,277 s.f.
<u>Assessor ID</u>	<u>Supposed Owner(s)</u>	<u>Title Reference</u>
Map 73.1.4, Parcel 14	Dennis J. Keller and David M. Keller, Trustees of the Keller Nominee Trust u/d/t dated December 30, 1993 recorded with said Deeds In Book 437, Page 36	Book 437, Page 42

<u>Parcel</u>	<u>Address/Location</u>	<u>Area ±</u>
Parcel B9	Nosegay Lane	1,662 s.f.
<u>Assessor ID</u>	<u>Supposed Owner(s)</u>	<u>Title Reference</u>
Map 73.1.4, Parcel 13	Nosegay Limited Partnership	Book 709, Page 158

<u>Parcel</u>	<u>Address/Location</u>	<u>Area ±</u>
Parcel B10	Nosegay Lane	1,360 s.f.
<u>Assessor ID</u>	<u>Supposed Owner(s)</u>	<u>Title Reference</u>
Map 73.1.4, Parcel 51	Bruce Ritter	Certificate of Title No. 22770

<u>Parcel</u>	<u>Address/Location</u>	<u>Area ±</u>
Parcel B11	Nosegay Lane	1,026 s.f.
<u>Assessor ID</u>	<u>Supposed Owner(s)</u>	<u>Title Reference</u>
Map 73.1.4, Parcel 3	Bruce N. Ritter and Diane L. Ritter	Certificate of Title Nos. 21766 and 23338

<u>Parcel</u>	<u>Address/Location</u>	<u>Area ±</u>
B12	Nosegay Lane	1,799 s.f.

<u>Assessor ID</u>	<u>Supposed Owner(s)</u>	<u>Title Reference</u>
Parcel 73.1.3, Parcel 3	Bruce N. Ritter and Diane L. Ritter	Certificate of Title No. 21766

Excepted from this Order of Taking is a grant of easement from Dennis M. Keller and David M. Keller, Trustees of Keller Nominee Trust u/d/t dated December 30, 1993 recorded with said Deeds in Book 437, Page 36 to Nantucket Electric Company dated July 21, 2010 recorded with said Deeds in Book 1239, Page 1; and a grant of easement from Bruce N. Ritter, a/k/a Bruce Ritter and Diane L. Ritter to Nantucket Electric Company dated July 21, 2010 filed with Nantucket Registry District of the Land Court as Document No. 131193.

Any and all trees, vegetation, structures and improvements at the Parcels are included in this Order of Taking.

The damages sustained by the supposed owner(s) listed above by reason of this taking of the Parcels are valued and awarded in a resolution of even date adopted by the Board of Selectmen in accordance with Massachusetts General Laws Chapter 79, as amended.

If any party named hereinabove as an owner of any Parcels taken hereby is not a true owner of said Parcels, then the award is made only to the true owner(s) of said Parcels.

(Remainder of Page Intentionally Blank. Signatures Follow on Next Page.)

Adopted under seal this 23 day May, 2012

TOWN OF NANTUCKET
BY ITS BOARD OF SELECTMEN

Pat Roggeveen
Patricia Roggeveen

Robert DeCosta

Robert DeCosta

Rick Atherton

Rick Atherton

Whiting Willauer

Whiting Willauer

Bruce D. Miller
Bruce D. Miller

COMMONWEALTH OF MASSACHUSETTS

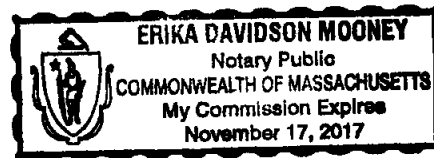
Nantucket County, ss

On this 23 day of May, 2012, before me, the undersigned notary public, personally appeared Patricia Roggeveen, Robert DeCosta, Rick Atherton, Whiting Willauer and Bruce D. Miller as members of the Board of Selectmen of the Town of Nantucket, proved to me through satisfactory evidence of identification, which was personal knowledge of the undersigned, to be the persons whose names are signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose as the free act and deed of the Board of Selectmen of the Town of Nantucket.

Erika Davidson Mooney
Notary Public

My commission expires:

450709/NANTYDSALE/0001





Town of Nantucket

♦♦♦♦♦

OFFICE OF THE TOWN & COUNTY CLERK

16 Broad Street
NANTUCKET, MASSACHUSETTS 02554-3590

Catherine Flanagan Stover, MMC, CMMC
Town & County Clerk

(508) 228-7216

FAX (508) 325-5313

Home: (508) 228-7841

Email: cstover@nantucket-ma.gov

townclerk@nantucket-ma.gov

WEBSITE: <http://www.nantucket-ma.gov>

♦♦♦♦♦

April 7, 2010

TO WHOM IT MAY CONCERN:

I, Catherine Flanagan Stover, duly elected Clerk of the Town and County of Nantucket, hereby certify that the April 5, 2010 ANNUAL TOWN MEETING adopted **Article 74: "Real Estate Acquisition: Connections to Siasconset Bluffwalk "** at the April 6, 2010 adjourned session when ...the adoption of all articles not heretofore acted upon as recommended by the Finance Committee, or as recommended by the Planning Board was duly motioned and seconded.

VOTE: The vote on the motion pursuant to Article 74 as moved by the Finance Committee, was by Unanimous Voice Vote. The motion was adopted.

Catherine Flanagan Stover, MMC, CMMC
Town and County Clerk

ARTICLE 74**(Real Estate Acquisition: Connections to Siasconset Bluffwalk)**

To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift or eminent domain the fee or lesser interests in all or any portions of those certain rights of way identified below, together with any public and private rights of passage, for public ways and/or general municipal purposes:

(I) Six ways in Siasconset located between the easterly sideline of Baxter Road and the westerly sideline of Town-owned property known as Town Assessor Map 49, Parcel 9 as follows:

- Rosaly Lane;
- Callender Lane;
- Frazer Lane;
- Ballantine Lane;
- Wilson Lane; and
- Anne's Lane (sometimes also known as Ann's Lane); and

(II) Three unnamed ways in Siasconset located between the easterly sideline of Baxter Road and the westerly sideline of Town-owned property known as Town Assessor Map 49, Parcel 9 as follows:

- Unnamed way located on and between the property at 73 Baxter Road known as Town Assessor Map 49, Parcel 27 and the property at 71 Baxter Road known as Town Assessor Map 49, Parcel 26.1;
- Unnamed way located on and between the property at 67 Baxter Road known as Town Assessor Map 49, Parcel 24 and the property at 65 Baxter Road known as Town Assessor Map 49, Parcel 23;
- Unnamed way located on and between the property at 63 Baxter Road known as Town Assessor Map 49, Parcel 22 and the property at 61 Baxter Road known as Town Assessor Map 49, Parcel 21; and

(III) Nosegay Lane between the westerly sideline of Sankaty Road and the westerly sideline of Town-owned property known as Town Assessor Map 49, Parcel 9; and

(IV) One unnamed way in Siasconset located between the easterly sideline of Baxter Road and the easterly sideline of a footpath known as Siasconset "Bluffwalk" located on and/or between the property at 55 Baxter Road known as Town Assessor Map 49, Parcel 18 and the property at 53 Baxter Road known as Town Assessor Map 49, Parcel 17; to see if the Town will vote to appropriate, borrow pursuant to applicable statute or transfer from available funds, a sum of money for such purposes; and to take any other actions related thereto.

(Board of Selectmen)

FINANCE COMMITTEE MOTION: Moved that the Board of Selectmen is authorized to acquire by purchase, gift or eminent domain the fee or lesser interests in all or any portions of those certain rights of way identified below, together with any public and private rights of passage, for public ways and/or general municipal purposes:

(I) Five ways in Siasconset located between the easterly sideline of Baxter Road and the westerly sideline of Town-owned property known as Town Assessor Map 49, Parcel 9 as follows:

- Rosaly Lane;
- Frazer Lane;

- Ballantine Lane;
- Wilson Lane; and
- Anne's Lane (sometimes also known as Ann's Lane); and

(II) Three unnamed ways in Siasconset located between the easterly sideline of Baxter Road and the westerly sideline of Town-owned property known as Town Assessor Map 49, Parcel 9 as follows:

- Unnamed way located on and between the property at 73 Baxter Road known as Town Assessor Map 49, Parcel 27 and the property at 71 Baxter Road known as Town Assessor Map 49, Parcel 26.1;
- Unnamed way located on and between the property at 67 Baxter Road known as Town Assessor Map 49, Parcel 24 and the property at 65 Baxter Road known as Town Assessor Map 49, Parcel 23;
- Unnamed way located on and between the property at 63 Baxter Road known as Town Assessor Map 49, Parcel 22 and the property at 61 Baxter Road known as Town Assessor Map 49, Parcel 21; and

(III) Nosegay Lane between the westerly sideline of Sankaty Road and the westerly sideline of Town-owned property known as Town Assessor Map 49, Parcel 9.

BOARD OF SELECTMEN COMMENT: The Board of Selectmen supports the Finance Committee Motion. The Board of Selectmen has taken action to create a committee to make recommendations to the Board regarding the management of these ways.

DOC No: 00137221

NANTUCKET COUNTY LAND COURT
REGISTRY DISTRICT

** RECEIVED FOR REGISTRATION **

On: May 29, 2012 at 11:19A

Document Fee: 225.00 Rec Total: \$225.00

CERTIFICATE No: 22770

CERT 23338

Also noted on CERT 21766

NANTUCKET COUNTY Received & Entered
Attest: Jennifer H. Ferreira, Register of Deeds



2012 00136876

Cert: 24155 Doc: OOT
Registered: 04/26/2012 10:56 AMCOMMONWEALTH OF MASSACHUSETTS
TOWN OF NANTUCKET
BOARD OF SELECTMEN

2012 00001165

Bk: 1323 Pg: 318 Page: 1 of 7
Doc: OOT 04/26/2012 10:59 AMORDER OF TAKING BY EMINENT DOMAIN
OF PORTIONS OF ROSALY'S LANE

The undersigned being the majority of the duly elected and serving members of the Board of Selectmen of the Town of Nantucket, a body politic and corporate and a political subdivision of the Commonwealth of Massachusetts, having a principal place of business at Town and County Building, 16 Broad Street, Nantucket, Massachusetts ("Town"), acting by authority of Massachusetts General Laws Chapter 40, § 14 and Chapter 79, as amended, Article III, Section 3.3 of the Town Charter, St. 1996, c. 289, § 1, and the vote on Article 74 adopted by the Town at its 2010 Annual Town Meeting, a certified copy of which is attached hereto, and by virtue of every other power and authority hereto enabling us, having complied with all the preliminary requirements prescribed by law, having determined that the taking of the fee in those certain parcels of land comprising portions of Rosaly's Lane described below ("Parcels") is required for general municipal purposes and public access purposes, do hereby adopt and decree this Order of Taking on behalf of the Town and do hereby take from the supposed owners of the Parcels, those who hold easements and other rights to the Parcels, and all their successors, heirs and assigns, as their interests may appear, by the right of eminent domain, the fee in the Parcels, including but not limited to all rights of passage, if any, as follows:

The land shown on a plan of land entitled "Plan to Acquire Land for General Municipal Purposes, Rosaly's Lane in Nantucket, Massachusetts, Prepared for Town of Nantucket," dated October 10, 2011, prepared by Nantucket Surveyors, LLC (the "Plan") and recorded with the Nantucket Registry of Deeds as Plan No. 2012-25 and consisting of the following Parcels described on the Plan:

<u>Parcel</u>	<u>Address/Location</u>	<u>Area ±</u>
Parcel B-5	Rosaly's Lane	1,940 s.f.

<u>Assessor ID</u>	<u>Supposed Owner(s)</u>	<u>Title Reference</u>
Map 73.1.4 Parcel 5	Nikos Hecht, Trustee of Fifteen Baxter Road Nominee Trust under Declaration of Trust Dated December 7, 2011 recorded with said Deeds in Book 1304, Page 194.	Book 1304, Page 198

<u>Parcel</u>	<u>Address/Location</u>	<u>Area ±</u>
Parcel B-6	Rosaly's Lane	1,919 s.f.
<u>Assessor ID</u>	<u>Supposed Owner(s)</u>	<u>Title Reference</u>
Map 73.1.4, Parcel 7	Joan Brown Porter and Donald A. Porter	Certificate of Title No. 24155

Excepted from this Order of Taking are the rights of others to pass on foot over the bluffwalk and the path as shown on said Plan and as reserved in Deed from Robert E. Coffin to Kate F. Corbett dated September 8, 1882 recorded with said Deeds in Book 67, Page 329.

Any and all trees, vegetation, structures and improvements on the Parcels are included in this Order of Taking.

The damages sustained by the supposed owner(s) listed above by reason of this taking of the Parcels are valued and awarded in a resolution of even date adopted by the Board of Selectmen in accordance with Massachusetts General Laws Chapter 79, as amended.

If any party named hereinabove as an owner of any Parcels taken hereby is not a true owner of said Parcels, then the award is made only to the true owner(s) of said Parcels.

(Remainder of Page Intentionally Blank. Signatures Follow on Next Page.)

Adopted under seal this 25 day April, 2012

TOWN OF NANTUCKET
BY ITS BOARD OF SELECTMEN

Pat Roggeveen
Patricia Roggeveen

Robert DeCosta

Robert DeCosta

Rick Atherton

Rick Atherton

Whiting Willauer

Bruce D. Miller

Bruce D. Miller

COMMONWEALTH OF MASSACHUSETTS

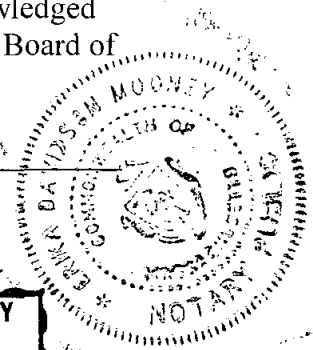
Nantucket County, ss

On this 25 day of April, 2012, before me, the undersigned notary public, personally appeared Patricia Roggeveen, Robert DeCosta, Rick Atherton, ~~Whiting Willauer~~ and Bruce D. Miller as members of the Board of Selectmen of the Town of Nantucket, proved to me through satisfactory evidence of identification, which was personal knowledge of the undersigned, to be the persons whose names are signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose as the free act and deed of the Board of Selectmen of the Town of Nantucket.

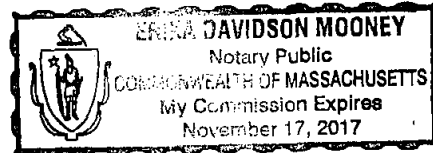
Erika Davidson Mooney

Notary Public

My commission expires:



448793/NANTYDSALE/0001





Town of Nantucket

♦♦♦♦♦

OFFICE OF THE TOWN & COUNTY CLERK

16 Broad Street
NANTUCKET, MASSACHUSETTS 02554-3590

Catherine Flanagan Stover, MMC, CMMC
Town & County Clerk

(508) 228-7216

FAX (508) 325-5313

Home: (508) 228-7841

Email: cstover@nantucket-ma.gov
townclerk@nantucket-ma.gov

WEBSITE: <http://www.nantucket-ma.gov>

♦♦♦♦♦

April 7, 2010

TO WHOM IT MAY CONCERN:

I, Catherine Flanagan Stover, duly elected Clerk of the Town and County of Nantucket, hereby certify that the April 5, 2010 ANNUAL TOWN MEETING adopted **Article 74: "Real Estate Acquisition: Connections to Siasconset Bluffwalk"** at the April 6, 2010 adjourned session when ...the adoption of all articles not heretofore acted upon as recommended by the Finance Committee, or as recommended by the Planning Board was duly motioned and seconded.

VOTE: The vote on the motion pursuant to Article 74 as moved by the Finance Committee, was by Unanimous Voice Vote. The motion was adopted.

Catherine Flanagan Stover, MMC, CMMC
Town and County Clerk

ARTICLE 74

(Real Estate Acquisition: Connections to Siasconset Bluffwalk)

To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift or eminent domain the fee or lesser interests in all or any portions of those certain rights of way identified below, together with any public and private rights of passage, for public ways and/or general municipal purposes:

(I) Six ways in Siasconset located between the easterly sideline of Baxter Road and the westerly sideline of Town-owned property known as Town Assessor Map 49, Parcel 9 as follows:

- Rosaly Lane;
- Callender Lane;
- Frazer Lane;
- Ballantine Lane;
- Wilson Lane; and
- Anne's Lane (sometimes also known as Ann's Lane); and

(II) Three unnamed ways in Siasconset located between the easterly sideline of Baxter Road and the westerly sideline of Town-owned property known as Town Assessor Map 49, Parcel 9 as follows:

- Unnamed way located on and between the property at 73 Baxter Road known as Town Assessor Map 49, Parcel 27 and the property at 71 Baxter Road known as Town Assessor Map 49, Parcel 26.1;
- Unnamed way located on and between the property at 67 Baxter Road known as Town Assessor Map 49, Parcel 24 and the property at 65 Baxter Road known as Town Assessor Map 49, Parcel 23;
- Unnamed way located on and between the property at 63 Baxter Road known as Town Assessor Map 49, Parcel 22 and the property at 61 Baxter Road known as Town Assessor Map 49, Parcel 21; and

(III) Nosegay Lane between the westerly sideline of Sankaty Road and the westerly sideline of Town-owned property known as Town Assessor Map 49, Parcel 9; and

(IV) One unnamed way in Siasconset located between the easterly sideline of Baxter Road and the easterly sideline of a footpath known as Siasconset "Bluffwalk" located on and/or between the property at 55 Baxter Road known as Town Assessor Map 49, Parcel 18 and the property at 53 Baxter Road known as Town Assessor Map 49, Parcel 17; to see if the Town will vote to appropriate, borrow pursuant to applicable statute or transfer from available funds, a sum of money for such purposes; and to take any other actions related thereto.

(Board of Selectmen)

FINANCE COMMITTEE MOTION: Moved that the Board of Selectmen is authorized to acquire by purchase, gift or eminent domain the fee or lesser interests in all or any portions of those certain rights of way identified below, together with any public and private rights of passage, for public ways and/or general municipal purposes:

(I) Five ways in Siasconset located between the easterly sideline of Baxter Road and the westerly sideline of Town-owned property known as Town Assessor Map 49, Parcel 9 as follows:

- Rosaly Lane;
- Frazer Lane;

- Ballantine Lane;
- Wilson Lane; and
- Anne's Lane (sometimes also known as Ann's Lane); and

(II) Three unnamed ways in Siasconset located between the easterly sideline of Baxter Road and the westerly sideline of Town-owned property known as Town Assessor Map 49, Parcel 9 as follows:

- Unnamed way located on and between the property at 73 Baxter Road known as Town Assessor Map 49, Parcel 27 and the property at 71 Baxter Road known as Town Assessor Map 49, Parcel 26.1;
- Unnamed way located on and between the property at 67 Baxter Road known as Town Assessor Map 49, Parcel 24 and the property at 65 Baxter Road known as Town Assessor Map 49, Parcel 23;
- Unnamed way located on and between the property at 63 Baxter Road known as Town Assessor Map 49, Parcel 22 and the property at 61 Baxter Road known as Town Assessor Map 49, Parcel 21; and

(III) Nosegay Lane between the westerly sideline of Sankaty Road and the westerly sideline of Town-owned property known as Town Assessor Map 49, Parcel 9.

BOARD OF SELECTMEN COMMENT: The Board of Selectmen supports the Finance Committee Motion. The Board of Selectmen has taken action to create a committee to make recommendations to the Board regarding the management of these ways.

DOC No: 00136876

NANTUCKET COUNTY LAND COURT
REGISTRY DISTRICT

** RECEIVED FOR REGISTRATION **

On: Apr 26, 2012 at 10:56A

Document Fee: 75.00 Rec Total: \$375.00

CERTIFICATE No: 24155

NANTUCKET COUNTY Received & Entered
Attest: Jennifer H. Ferreira, Registrar of Deeds



2012 00136875

Cert: 23040 Doc: OOT
Registered: 04/26/2012 10:56 AMCOMMONWEALTH OF MASSACHUSETTS
TOWN OF NANTUCKET
BOARD OF SELECTMEN

2012 00001164

Bk: 1323 Pg: 311 Page: 1 of 7
Doc: OOT 04/26/2012 10:59 AMORDER OF TAKING BY EMINENT DOMAIN
OF PORTIONS OF FRAZER LANE A/K/A FRAZER STREET

The undersigned being the majority of the duly elected and serving members of the Board of Selectmen of the Town of Nantucket, a body politic and corporate and a political subdivision of the Commonwealth of Massachusetts, having a principal place of business at Town and County Building, 16 Broad Street, Nantucket, Massachusetts ("Town"), acting by authority of Massachusetts General Laws Chapter 40, § 14 and Chapter 79, as amended, Article III, Section 3.3 of the Town Charter, St. 1996, c. 289, § 1, and the vote on Article 74 adopted by the Town at its 2010 Annual Town Meeting, a certified copy of which is attached hereto, and by virtue of every other power and authority hereto enabling us, having complied with all the preliminary requirements prescribed by law, having determined that the taking of the fee in those certain parcels of land comprising portions of Frazer Lane a/k/a Frazer Street described below ("Parcels") is required for general municipal purposes and public access purposes, do hereby adopt and decree this Order of Taking on behalf of the Town and do hereby take from the supposed owners of the Parcels, those who hold easements and other rights to the Parcels, and all their successors, heirs and assigns, as their interests may appear, by the right of eminent domain, the fee in the Parcels, including but not limited to all rights of passage, if any, as follows:

The land shown on a plan of land entitled "Plan to Acquire Land for General Municipal Purposes, Frazer Lane in Nantucket, Massachusetts, Prepared for Town of Nantucket," dated October 10, 2011, prepared by Nantucket Surveyors, LLC (the "Plan") and recorded with the Nantucket Registry of Deeds as Plan No. 2012-27 and consisting of the following Parcels described on the Plan:

<u>Parcel</u>	<u>Address/Location</u>	<u>Area ±</u>
Parcel B3	Frazer Lane	1,253 s.f.
<u>Assessor ID</u>	<u>Supposed Owner(s)</u>	<u>Title Reference</u>
Map 49.2.3 Parcel 9	William F. Hunter, Trustee of the 29 Baxter Road Nominee Trust under Declaration of Trust dated August 13, 2008 and filed with the Nantucket County Registry District of the Land Court As Document No. 124957	Certificate of Title No. 23040

<u>Parcel</u>	<u>Address/Location</u>	<u>Area ±</u>
Parcel B4	Frazer Lane	1,250 s.f.
<u>Assessor ID</u>	<u>Supposed Owner(s)</u>	<u>Title Reference</u>
Map 49.2.3, Parcel 10	Sea Daze LLC	Book 1269, Page 202

Excepted from this Order of Taking are the rights of others to pass on foot over the bluffwalk and the path as shown on said Plan.

Any and all trees, vegetation, structures and improvements on the Parcels are included in this Order of Taking.

The damages sustained by the supposed owner(s) listed above by reason of this taking of the Parcels are valued and awarded in a resolution of even date adopted by the Board of Selectmen in accordance with Massachusetts General Laws Chapter 79, as amended.

If any party named hereinabove as an owner of any Parcels taken hereby is not a true owner of said Parcels, then the award is made only to the true owner(s) of said Parcels.

(Remainder of Page Intentionally Blank. Signatures Follow on Next Page.)

Adopted under seal this 25 day April, 2012

TOWN OF NANTUCKET
BY ITS BOARD OF SELECTMEN

Pat Roggeveen
Patricia Roggeveen

Robert DeCosta
Robert DeCosta
Rick Atherton
Rick Atherton

Whiting Willauer
Whiting Willauer
Bruce D. Miller
Bruce D. Miller

COMMONWEALTH OF MASSACHUSETTS

Nantucket County, ss

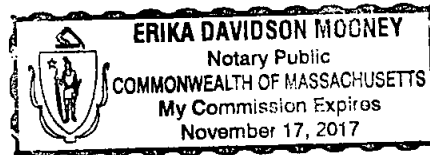
On this 25 day of April, 2012, before me, the undersigned notary public, personally appeared Patricia Roggeveen, Robert DeCosta, Rick Atherton, ~~Whiting Willauer~~ and Bruce D. Miller as members of the Board of Selectmen of the Town of Nantucket, proved to me through satisfactory evidence of identification, which was personal knowledge of the undersigned, to be the persons whose names are signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose as the free act and deed of the Board of Selectmen of the Town of Nantucket.

Erika D Mooney

Notary Public

My commission expires:

448855/NANTYDSALE/0001





Town of Nantucket

♦♦♦♦♦

OFFICE OF THE TOWN & COUNTY CLERK

16 Broad Street
NANTUCKET, MASSACHUSETTS 02554-3590

Catherine Flanagan Stover, MMC, CMMC
Town & County Clerk

(508) 228-7216

FAX (508) 325-5313

Home: (508) 228-7841

Email: cstover@nantucket-ma.gov
townclerk@nantucket-ma.gov

WEBSITE: <http://www.nantucket-ma.gov>

♦♦♦♦♦

April 7, 2010

TO WHOM IT MAY CONCERN:

I, Catherine Flanagan Stover, duly elected Clerk of the Town and County of Nantucket, hereby certify that the April 5, 2010 ANNUAL TOWN MEETING adopted **Article 74: "Real Estate Acquisition: Connections to Siasconset Bluffwalk"** at the April 6, 2010 adjourned session when ...the adoption of all articles not heretofore acted upon as recommended by the Finance Committee, or as recommended by the Planning Board was duly motioned and seconded.

VOTE: The vote on the motion pursuant to Article 74 as moved by the Finance Committee, was by Unanimous Voice Vote. The motion was adopted.

Catherine Flanagan Stover, MMC, CMMC
Town and County Clerk

ARTICLE 74**(Real Estate Acquisition: Connections to Siasconset Bluffwalk)**

To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift or eminent domain the fee or lesser interests in all or any portions of those certain rights of way identified below, together with any public and private rights of passage, for public ways and/or general municipal purposes:

(I) Six ways in Siasconset located between the easterly sideline of Baxter Road and the westerly sideline of Town-owned property known as Town Assessor Map 49, Parcel 9 as follows:

- Rosaly Lane;
- Callender Lane;
- Frazer Lane;
- Ballantine Lane;
- Wilson Lane; and
- Anne's Lane (sometimes also known as Ann's Lane); and

(II) Three unnamed ways in Siasconset located between the easterly sideline of Baxter Road and the westerly sideline of Town-owned property known as Town Assessor Map 49, Parcel 9 as follows:

- Unnamed way located on and between the property at 73 Baxter Road known as Town Assessor Map 49, Parcel 27 and the property at 71 Baxter Road known as Town Assessor Map 49, Parcel 26.1;
- Unnamed way located on and between the property at 67 Baxter Road known as Town Assessor Map 49, Parcel 24 and the property at 65 Baxter Road known as Town Assessor Map 49, Parcel 23;
- Unnamed way located on and between the property at 63 Baxter Road known as Town Assessor Map 49, Parcel 22 and the property at 61 Baxter Road known as Town Assessor Map 49, Parcel 21; and

(III) Nosegay Lane between the westerly sideline of Sankaty Road and the westerly sideline of Town-owned property known as Town Assessor Map 49, Parcel 9; and

(IV) One unnamed way in Siasconset located between the easterly sideline of Baxter Road and the easterly sideline of a footpath known as Siasconset "Bluffwalk" located on and/or between the property at 55 Baxter Road known as Town Assessor Map 49, Parcel 18 and the property at 53 Baxter Road known as Town Assessor Map 49, Parcel 17; to see if the Town will vote to appropriate, borrow pursuant to applicable statute or transfer from available funds, a sum of money for such purposes; and to take any other actions related thereto.

(Board of Selectmen)

FINANCE COMMITTEE MOTION: Moved that the Board of Selectmen is authorized to acquire by purchase, gift or eminent domain the fee or lesser interests in all or any portions of those certain rights of way identified below, together with any public and private rights of passage, for public ways and/or general municipal purposes:

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(III) Nosegay Lane between the westerly sideline of Sankaty Road and the westerly sideline of Town-owned property known as Town Assessor Map 49, Parcel 9.

BOARD OF SELECTMEN COMMENT: The Board of Selectmen supports the Finance Committee Motion. The Board of Selectmen has taken action to create a committee to make recommendations to the Board regarding the management of these ways.

DOC No: 00136875

NANTUCKET COUNTY LAND COURT
REGISTRY DISTRICT

** RECEIVED FOR REGISTRATION **

On: Apr 26, 2012 at 10:56A

Document Fee: 75.00 Rec Total: \$375.00

CERTIFICATE No: 23040

NANTUCKET COUNTY Received & Entered
Attest: Jennifer H. Ferreira, Register of Deeds

NANTUCKET REGISTRY OF DEEDS
Date 04/11/2012
Time 11:45 AM
Plan BK. _____ Pg. _____
Plan File No. 2012-27
Attest: Gennifer Ferreira Register
Sheet 1 of 1
RESERVED FOR REGISTRY USE ONLY

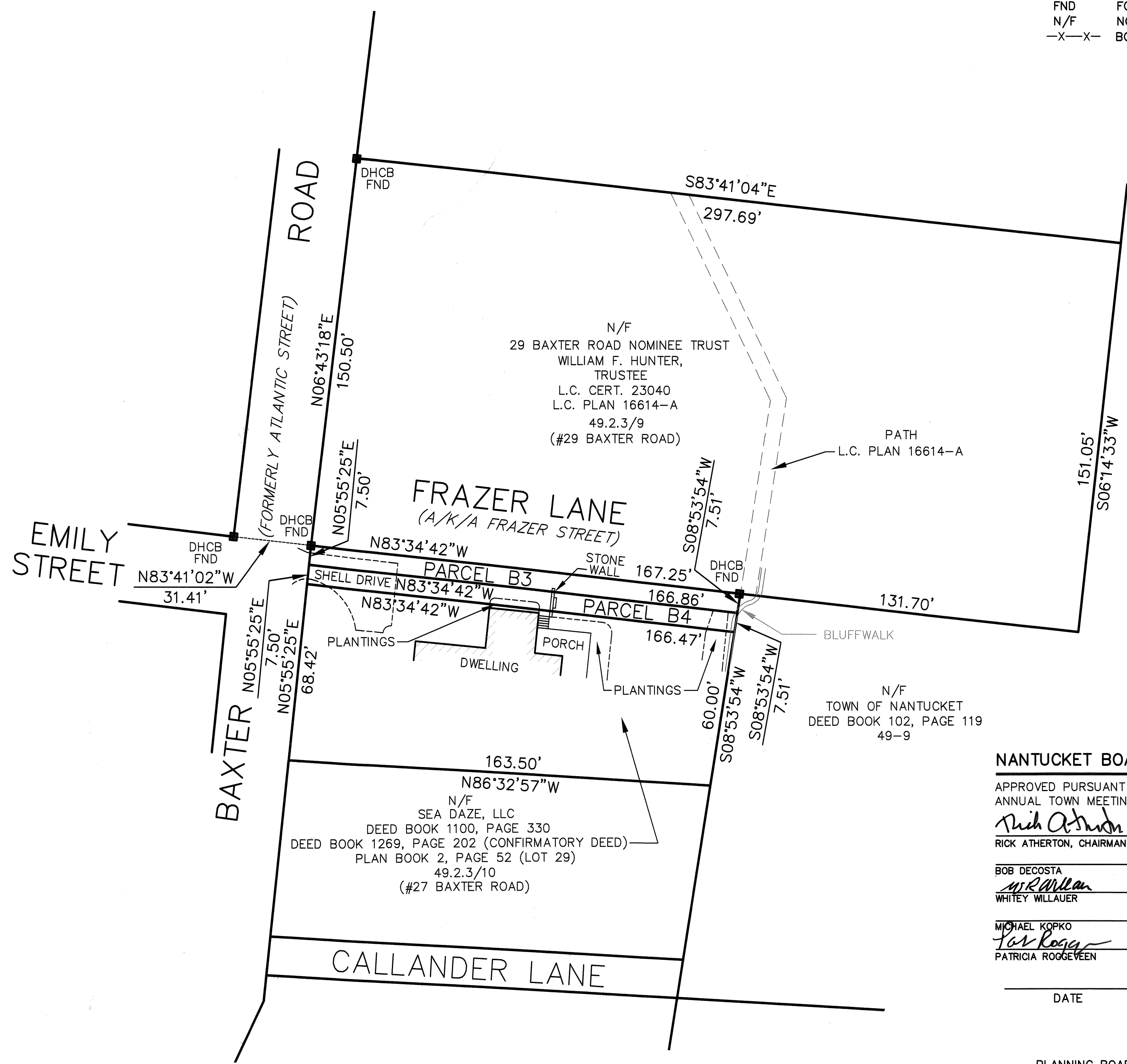
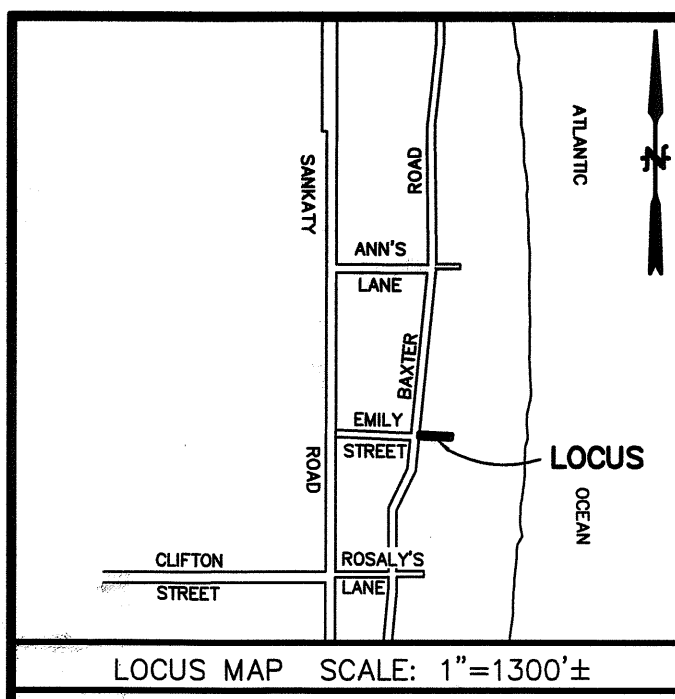
NOTES:

1. THE PREMISES SHOWN ON THIS PLAN ARE LOCATED WITHIN THE "X" ZONE AS DELINEATED ON THE "FIRM" MAP OF COMMUNITY NO. 250230 0004 D; MAP REVISED: 11/06/1996 BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.
2. THE PLANNING BOARD DETERMINES THAT:
LOT(S) PARCELS 'B3' & 'B4' DO NOT CONTAIN AREAS SUBJECT TO PROTECTION UNDER THE MASSACHUSETTS WETLANDS PROTECTION ACT WHICH ARE REQUIRED TO BE EXCLUDED FROM LOT AREA UNDER THE NANTUCKET ZONING BY-LAW BUT STILL MAY BE SUBJECT TO PROTECTION UNDER STATE AND LOCAL WETLAND BYLAWS. DETERMINATION OF APPLICABILITY MAY BE OBTAINED THROUGH APPLICATION TO THE CONSERVATION COMMISSION.

MERIDIAN: PLAN BOOK 22, PAGE 17

LEGEND:

- DHCB DRILL HOLE/CONCRETE BOUND
FND FOUND
N/F NOW OR FORMERLY
-X-X- BOARD FENCE



NANTUCKET BOARD OF SELECTMEN

APPROVED PURSUANT TO ARTICLE 74
ANNUAL TOWN MEETING APRIL 5, 2010.
Rick Atherton
RICK ATHERTON, CHAIRMAN
BOB DECOSTA
Whitey Willauer
WHITEY WILLAUER
MICHAEL KOPKO
Patricia Roozeveen
PATRICIA ROOZEEVEEN

DATE

PLANNING BOARD ENDORSEMENT DOES NOT CONSTITUTE A DETERMINATION OF CONFORMANCE UNDER ZONING.

NANTUCKET PLANNING BOARD

APPROVAL UNDER THE
SUBDIVISION CONTROL LAW
NOT REQUIRED

Barry Reitor
BARRY REITOR, CHAIRMAN
Sylvia Howard
SYLVIA HOWARD, VICE-CHAIRMAN
Nathaniel Lowell
NATHANIEL LOWELL
Linda Williams
LINDA WILLIAMS

DATE APPROVED 04-09-2012
DATE SIGNED 04-09-2012
FILE NO. 7430

PLAN TO ACQUIRE LAND FOR
GENERAL MUNICIPAL PURPOSES
FRAZER LANE

IN
NANTUCKET, MASSACHUSETTS

PREPARED FOR:

TOWN OF NANTUCKET

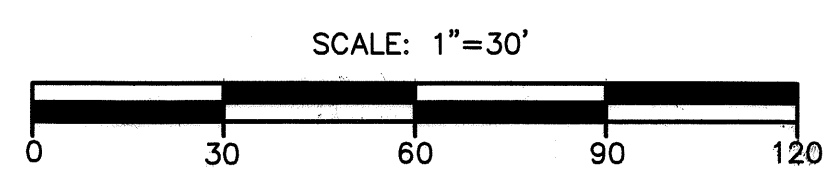
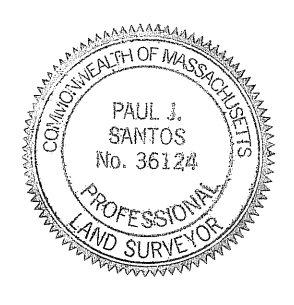
SCALE: 1"=30' DATE: OCTOBER 10, 2011

NANTUCKET SURVEYORS, LLC
5 WINDY WAY
NANTUCKET, MA 02554

PARCEL NO.	MAP & PLOT	AREA	OWNER
B3	49.2.3-9	1,253± S.F.	WILLIAM F. HUNTER, TRUSTEE
B4	49.2.3-10	1,250± S.F.	SEA DAZE, LLC

" I HEREBY CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS."

Paul J. Santos
PROFESSIONAL LAND SURVEYOR
10/10/11
DATE



TC

NANTUCKET
TOWN CLERK

2022 MAY 18 AM 11:21

**TOWN OF NANTUCKET
BOARD OF APPEALS
NANTUCKET, MASSACHUSETTS 02554**2022 00001586
Bk: 1898 Pg: 251 Page: 1 of 5
Doc: SP 06/08/2022 02:30 PMDate: May 12, 2022

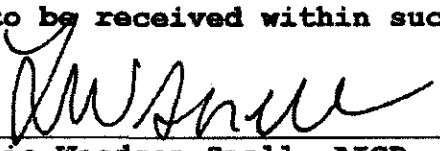
To: Parties in Interest and Others concerned with the Decision of
The BOARD OF APPEALS in the Application of the following:

Application No: 33-21Owner/Applicant: SEA DAZE, LLCAddress: 27 BAXTER ROAD

Enclosed is the Decision of the BOARD OF APPEALS which has this
day been filed with the office of the Nantucket Town Clerk.

An Appeal from this Decision may be taken pursuant to Section 17
of Chapter 40A, Massachusetts General Laws.

Any action appealing the Decision must be brought by filing a
complaint in Land Court within TWENTY (20) days after this day's
date. Notice of the action with a copy of the complaint and
certified copy of the Decision must be given to the Town Clerk so
as to be received within such TWENTY (20) days.



Leslie Woodson Snell, AICP
Deputy Director of Planning/Zoning Administrator

cc: Town Clerk
Planning Board
Building Commissioner/Zoning Enforcement Officer

PLEASE NOTE: MOST SPECIAL PERMITS AND VARIANCES HAVE A TIME LIMIT
AND WILL EXPIRE IF NOT ACTED UPON ACCORDING TO NANTUCKET ZONING
BY-LAW SECTION 139-30 (SPECIAL PERMITS); SECTION 139-32
(VARIANCES). ANY QUESTIONS, PLEASE CALL THE NANTUCKET ZONING BOARD
OF APPEALS OFFICE AT 508-325-7587.

**NANTUCKET ZONING BOARD OF APPEALS
2 Fairgrounds Road
Nantucket, Massachusetts 02554**

Assessor's Map 49.2.3, Parcel 10
27 Baxter Road, Siasconset
Siasconset Residential 20 (SR-20)

Plan Book 2, Page 52
Lot 29
Deed, Book 1269, Page 202

DECISION:

1. At a public hearing of the Nantucket Zoning Board of Appeals, on Thursday, November 22, 2021, at 1:00 P.M., via Zoom Webinar, the Board made the following decision on the application of SEA DAZE, LLC, c/o Reade, Gullicksen, Hanley & Gifford, LLP, Post Office Box 2669, Nantucket, Massachusetts 02584, File No. 33-21:

2. The applicant proposes to alter the pre-existing, nonconforming single-family dwelling upon locus, previously altered pursuant to relief granted by Special Permit in ZBA File No. 063-85 and further altered pursuant to Modification of that Special Permit in ZBA File No. 058-95, by placing a new foundation under the dwelling and by increasing the height of a gable within the side yard setback area, without affecting the footprint of the portion of the structure which lies in the setback area. The lot contains 10,577± square feet, with 20,000 square feet being the minimum in this SR-20 zoning district under the Nantucket Zoning By-law; the dwelling is also nonconforming as to front yard setback and northerly side yard setback. All of these conditions are shown upon a Site Plan prepared by Nantucket Engineering & Survey, P.C., dated October 15, 2021, attached hereto as Exhibit A. Accordingly, the applicant requests a further Modification of the Special Permit, to authorize the alterations as described herein. The subject property is situated at 27 BAXTER ROAD, SIASCONSET, Assessor's Map 49.2.3, Parcel 10, and is situated in the SR-20 zoning district.

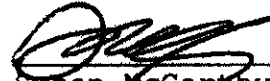
3. Our decision is based upon the application and accompanying materials, and representations and testimony received at our public hearing. There was no Planning Board recommendation. There was no support nor opposition presented at the public hearing except for the presentation by the applicant's representatives.

4. As presented by the applicant, while the proposed alteration will involve increase of building height within a setback area, the ridge height of the structure will not change.

The alteration has been approved by the Historic District Commission.

5. Based upon the presentation and materials submitted by the applicant, the Board of Appeals, by Unanimous vote, made the finding that the proposed alteration to the structure in accordance with the application herein would not be substantially more detrimental to the neighborhood than the pre-existing, nonconforming conditions, and granted the requested Modification.

Dated: May 16, 2022


Susan McCarthy


Edward S. Toole **NS**


Elisa Allen


Mark Poor

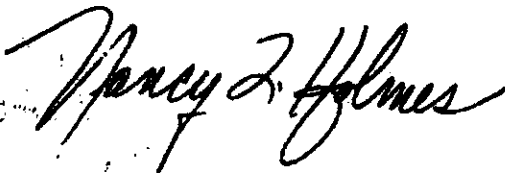

Geoffrey Thayer **NS**

I CERTIFY THAT 20 DAYS HAVE ELAPSED AFTER
THE DECISION WAS FILED IN THE OFFICE OF THE
TOWN CLERK, AND THAT NO APPEAL HAS BEEN
FILED, PURSUANT TO GENERAL LAWS 40A, SECTION 11

JUN - 8 2022

TOWN CLERK

ATTEST: TRUE COPY



NANTUCKET TOWN & COUNTY CLERK

COMMONWEALTH OF MASSACHUSETTS

County of Nantucket, ss

On the 16 day of May, 2022, before me, the undersigned notary public, personally appeared Elisa Allen, one of the above-named members of the Zoning Board of Appeals of Nantucket, Massachusetts, personally known to me to be the person whose name is signed on the preceding document, and acknowledged that he signed the foregoing instrument voluntarily for the purposes therein expressed.


Official Signature and Seal of Notary Public
My commission expires:

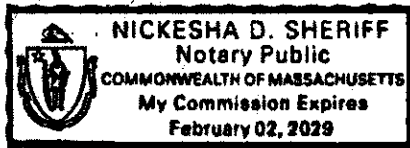
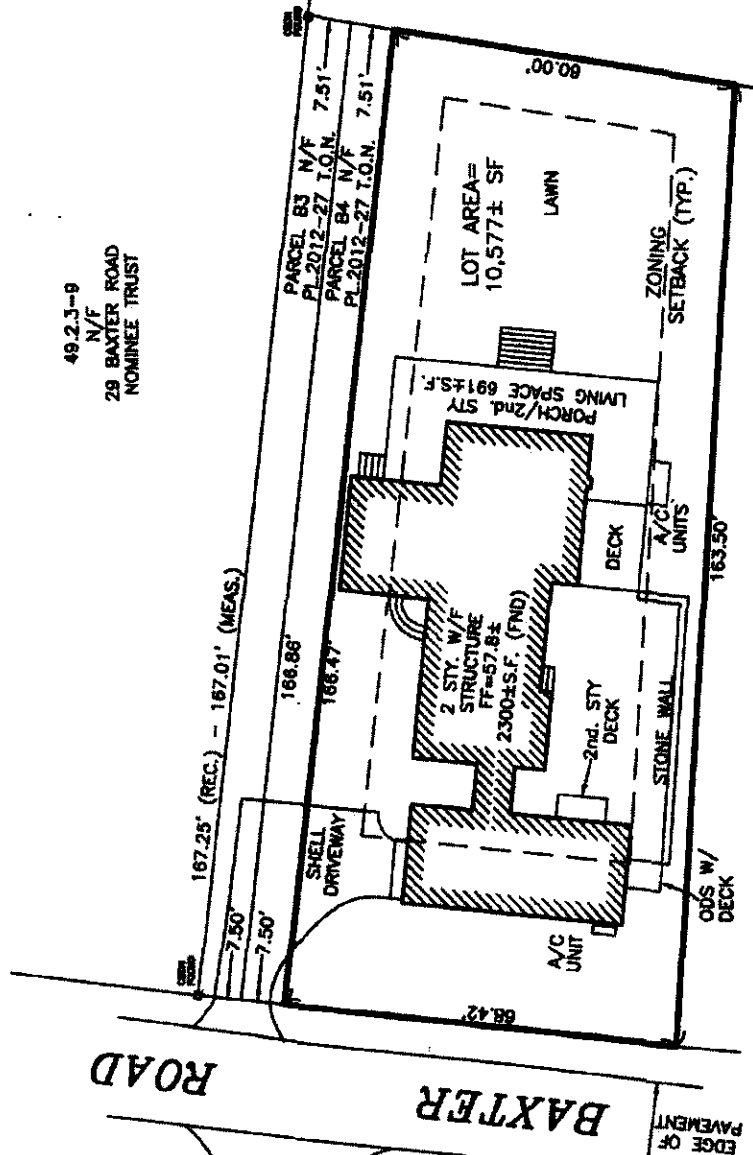


Exhibit A

PROPERTY DATA
 OWNER: SEA DAZE, LLC
 ADDRESS: 27 BAXTER ROAD
 ASSESSOR MAP 49.2.3 PARCEL 10
 DEED BOOK 1289, PAGE 202
 (CONFIRMATORY DEED)
 PLAN BOOK 2, PAGE 52 (LOT 29)
 ZONING DISTRICT: SR-20
 MINIMUM LOT SIZE: 20,000 S.F.
 MINIMUM FRONTAGE: 75 FT.
 FRONT YARD SETBACK: 30 FT.
 REAR/SIDE SETBACK: 10 FT.
 GROUND COVER %: 12.5%
 *REF. SPECIAL PERMIT DEED
 BOOK 235 PAGE 39 AS MODIFIED, REF.
 DEED BOOK 489 PAGE 286.

49.2.3-9
 N/F
 29 BAXTER ROAD
 NOMINEE TRUST



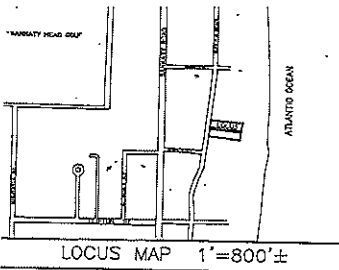
**SITE PLAN OF LAND
 IN NANTUCKET, MA
 PREPARED FOR
 SEA DAZE, LLC
 27 BAXTER ROAD
 MAP 49.2.3 PARCEL 10
 OCTOBER 15, 2021
 SCALE: 1"=20'**



49.2.3-11
 N/F
 NORTH BLUFFS
 HOLDINGS LLC

THIS PLOT PLAN WAS PREPARED FOR PERMITTING PURPOSES ONLY AND SHOULD NOT BE CONSIDERED A PROPERTY LINE SURVEY. THIS PLAN SHOULD NOT BE USED TO ESTABLISH PROPERTY LINES, FENCES, HEDGES OR ANY ANCILLARY STRUCTURES ON THE PREMISES. THE PROPERTY LINES SHOWN RELY ON CURRENT DEEDS AND PLANS OF RECORD. THIS PLOT PLAN IS NOT A CERTIFICATION AS TO TITLE OR OWNERSHIP OF THE PROPERTY SHOWN. OWNERS OF ADJOINING PROPERTIES ARE SHOWN ACCORDING TO CURRENT ASSESSOR RECORDS. CONDITIONS SHOWN HEREON BASED ON FIELD SURVEY CONDUCTED ON JUNE 9, 2021.

NANTUCKET COUNTY Received & Entered
 Attest: Jennifer H. Ferreira Register of Deeds



RECORD INFORMATION:
 33 BAXTER ROAD: ASSESSOR MAP 49.2.3-7
 OWNERS: ROBERT J. REBY & MARY J. REBY
 DBK 1926 PG 109; LOT 2, PLFL 30-B
 31 BAXTER ROAD: ASSESSOR MAP 49.2.3-8
 OWNERS: ROBERT P. BURKE & LESSLEY L. BURKE
 DBK 1162 PG 122; LOT 1, PLFL 30-B

Nantucket Board of Selectmen BEING A MAJORITY

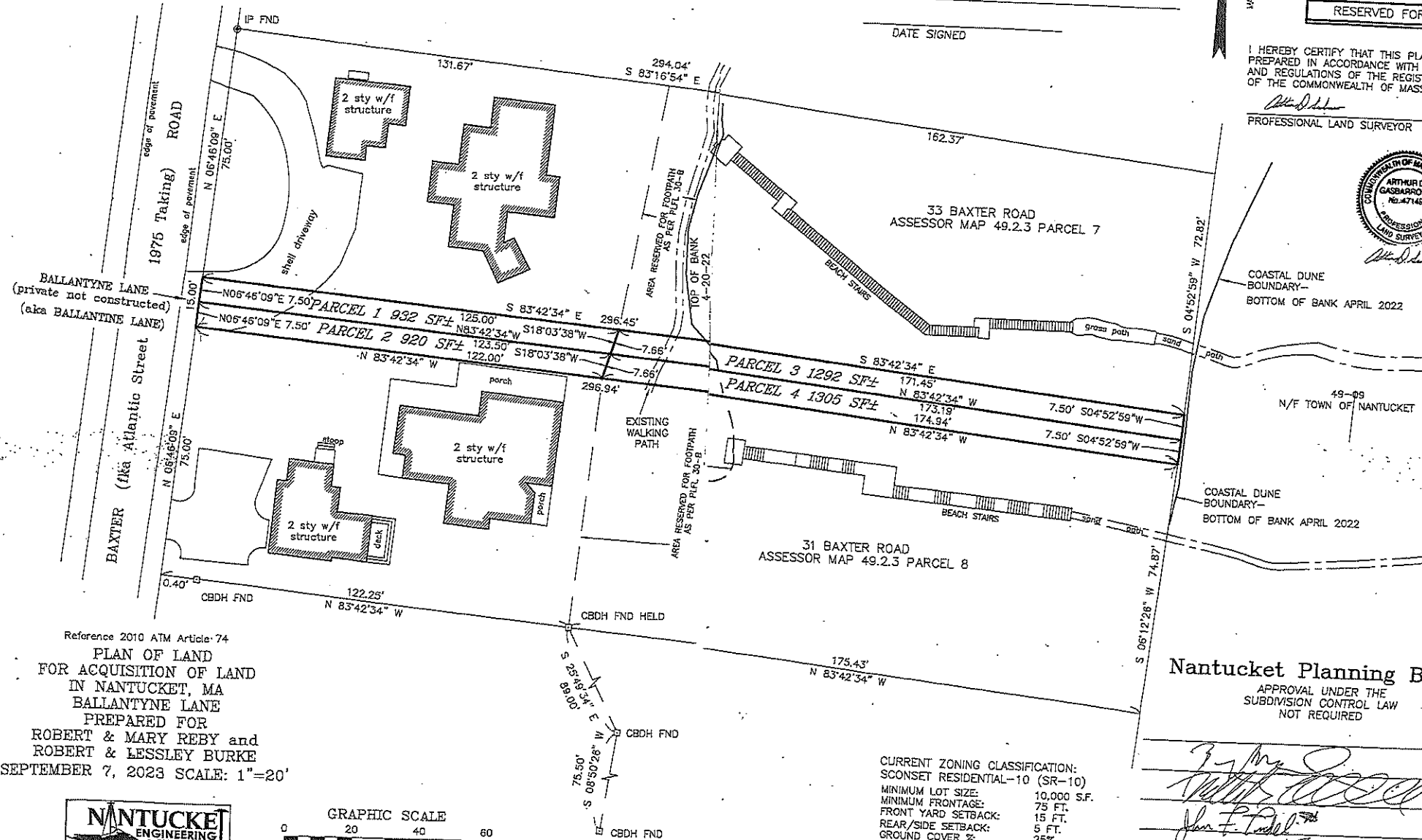
DATE SIGNED

MASSACHUSETTS COORDINATE SYSTEM
 ISLAND ZONE

NANTUCKET REG
 Date: _____
 Time: _____
 Plan No.: _____
 Attest: _____ Regi
 SHEET 1 OF 1
 RESERVED FOR

I HEREBY CERTIFY THAT THIS PLAN
 PREPARED IN ACCORDANCE WITH
 AND REGULATIONS OF THE REGIST
 OF THE COMMONWEALTH OF MASS

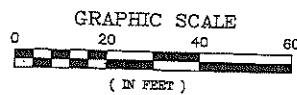
PROFESSIONAL LAND SURVEYOR



Reference 2010 ATM Article-74

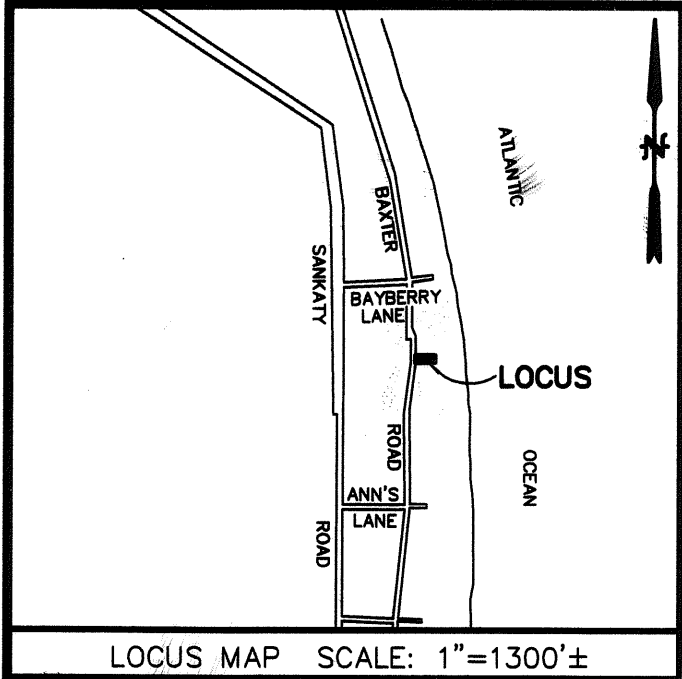
PLAN OF LAND
 FOR ACQUISITION OF LAND
 IN NANTUCKET, MA
 BALLANTYNE LANE
 PREPARED FOR

ROBERT & MARY REBY and
 ROBERT & LESSLEY BURKE
 SEPTEMBER 7, 2023 SCALE: 1"=20'



CURRENT ZONING CLASSIFICATION:
 SCONSET RESIDENTIAL-10 (SR-10)
 MINIMUM LOT SIZE: 10,000 S.F.
 MINIMUM FRONTAGE: 75 FT.
 FRONT YARD SETBACK: 15 FT.
 REAR/SIDE SETBACK: 5 FT.
 GROUND COVER %: 25%

Nantucket Planning B
 APPROVAL UNDER THE
 SUBDIVISION CONTROL LAW
 NOT REQUIRED



NOTES:

1. THE PREMISES SHOWN ON THIS PLAN ARE LOCATED WITHIN THE "X" ZONE AS DELINEATED ON THE "FIRM" MAP OF COMMUNITY NO. 250230 0004 D; MAP REVISED:11/06/1996 BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.
2. THE PLANNING BOARD DETERMINES THAT:
LOT(S) PARCELS 'B1' & 'B2' DO NOT CONTAIN AREAS SUBJECT TO PROTECTION UNDER THE MASSACHUSETTS WETLANDS PROTECTION ACT WHICH ARE REQUIRED TO BE EXCLUDED FROM LOT AREA UNDER THE NANTUCKET ZONING BY-LAW BUT STILL MAY BE SUBJECT TO PROTECTION UNDER STATE AND LOCAL WETLAND BYLAWS. DETERMINATION OF APPLICABILITY MAY BE OBTAINED THROUGH APPLICATION TO THE CONSERVATION COMMISSION.

MERIDIAN: PLAN BOOK 22, PAGE 17

2012 00000026
Bk: Pg: 0 Page: 0
Doc: PLAN 04/11/2012 11:45 AM

NANTUCKET REGISTRY OF DEEDS

Date 04/11/2012

Time 11:45 AM

Plan BK. PG.

Plan File No. 2012-26

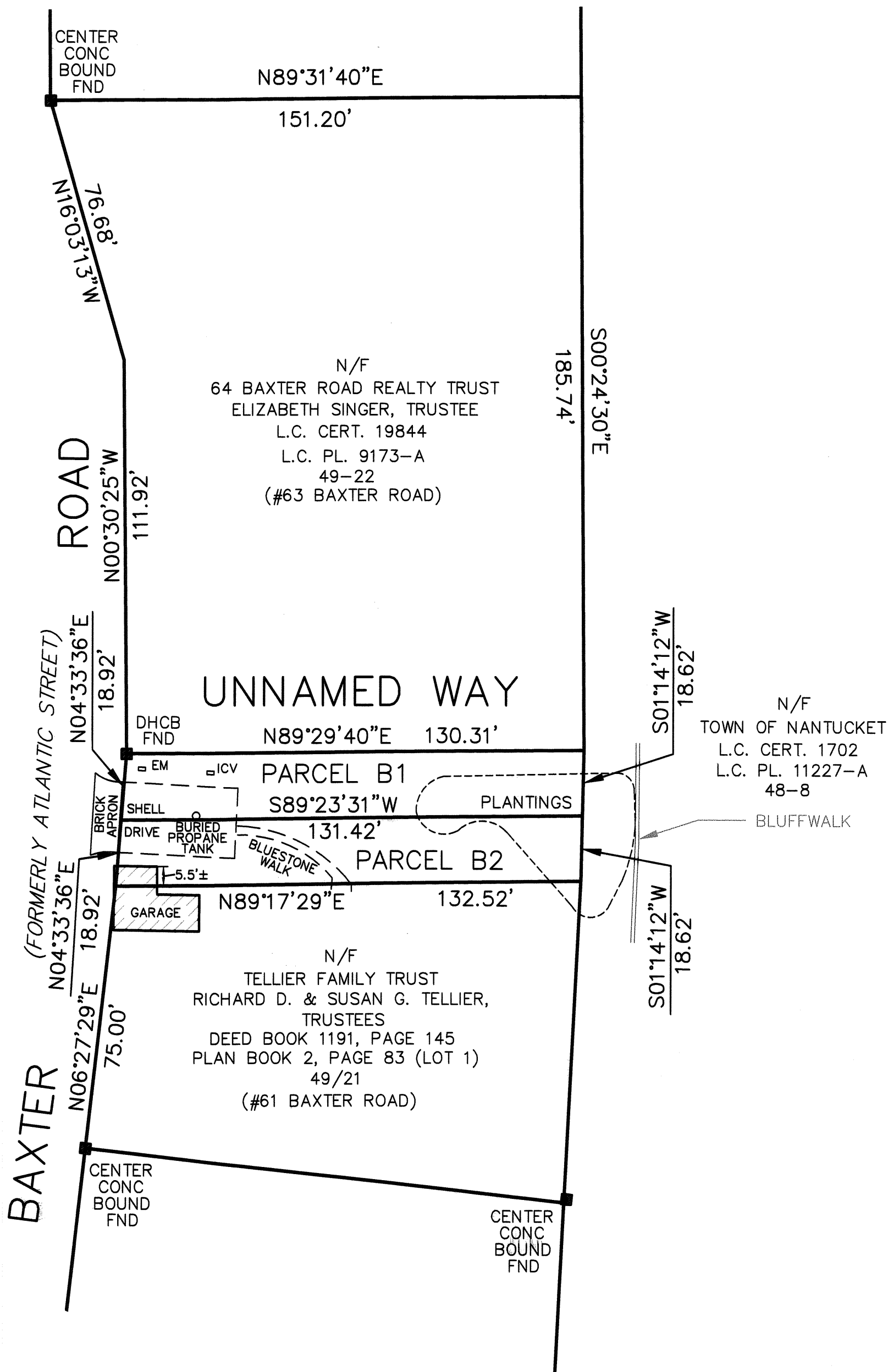
Attest: *Gunnif H Ferreira*
Register

Sheet 1 of 1

RESERVED FOR REGISTRY USE ONLY

LEGEND:

DHCB DRILL HOLE/CONCRETE BOUND
FND FOUND
N/F NOW OR FORMERLY
-X-X- BOARD FENCE



NANTUCKET BOARD OF SELECTMEN

APPROVED PURSUANT TO ARTICLE 74
ANNUAL TOWN MEETING APRIL 5, 2010.

Rick Atherton
RICK ATHERTON, CHAIRMAN

BOB DE COSTA
Bob De Costa
WHITEY WILLAUER

MICHAEL KOPKO
Pat Roggeveen
PATRICIA ROGGEVEEN

DATE

PLANNING BOARD ENDORSEMENT DOES NOT CONSTITUTE A DETERMINATION OF CONFORMANCE UNDER ZONING.

NANTUCKET PLANNING BOARD

APPROVAL UNDER THE
SUBDIVISION CONTROL LAW
NOT REQUIRED

Barry Rector
BARRY RECTOR, CHAIRMAN

Sylvia Howard
SYLVIA HOWARD, VICE-CHAIRMAN
Nathaniel Lowell
NATHANIEL LOWELL

Linda Williams
LINDA WILLIAMS

DATE APPROVED 04-09-2012

DATE SIGNED 04-09-2012

FILE NO. 7429

PLAN TO ACQUIRE LAND FOR
GENERAL MUNICIPAL PURPOSES
UNNAMED WAY

IN
NANTUCKET, MASSACHUSETTS

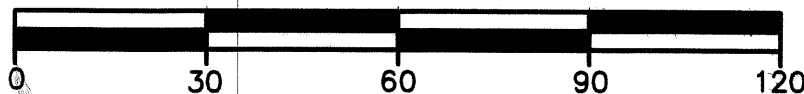
PREPARED FOR:

TOWN OF NANTUCKET

SCALE: 1"=30' DATE: OCTOBER 10, 2011

NANTUCKET SURVEYORS, LLC
5 WINDY WAY
NANTUCKET, MA 02554

SCALE: 1"=30'



PARCEL NO.	MAP & PLOT	AREA	OWNER
B1	49-22	2,451± S.F.	ELIZABETH SINGER, TRUSTEE
B2	49-21	2,472± S.F.	RICHARD D. & SUSAN G. TELLIER, TRUSTEES

" I HEREBY CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS."

Paul J. Santos
PROFESSIONAL LAND SURVEYOR
10/10/11
DATE



N-10040



2012 00136877

 Cert: 19844 Doc: OOT
 Registered: 04/26/2012 10:56 AM

COMMONWEALTH OF MASSACHUSETTS
 TOWN OF NANTUCKET
 BOARD OF SELECTMEN



2012 00001166

 Bk: 1323 Pg: 325 Page: 1 of 7
 Doc: OOT 04/26/2012 10:59 AM

ORDER OF TAKING BY EMINENT DOMAIN
 OF PORTIONS OF UNNAMED WAY OFF BAXTER ROAD

The undersigned being the majority of the duly elected and serving members of the Board of Selectmen of the Town of Nantucket, a body politic and corporate and a political subdivision of the Commonwealth of Massachusetts, having a principal place of business at Town and County Building, 16 Broad Street, Nantucket, Massachusetts ("Town"), acting by authority of Massachusetts General Laws Chapter 40, § 14 and Chapter 79, as amended, Article III, Section 3.3 of the Town Charter, St. 1996, c. 289, § 1, and the vote on Article 74 adopted by the Town at its 2010 Annual Town Meeting, a certified copy of which is attached hereto, and by virtue of every other power and authority hereto enabling us, having complied with all the preliminary requirements prescribed by law, having determined that the taking of the fee in those certain parcels of land comprising portions of the Unnamed Way off Baxter Road described below ("Parcels") is required for general municipal purposes and public access purposes, do hereby adopt and decree this Order of Taking on behalf of the Town and do hereby take from the supposed owners of the Parcels, those who hold easements and other rights to the Parcels, and all their successors, heirs and assigns, as their interests may appear, by the right of eminent domain, the fee in the Parcels, including but not limited to all rights of passage, if any, as follows:

The land shown on a plan of land entitled "Plan to Acquire Land for General Municipal Purposes, Unnamed Way in Nantucket, Massachusetts, Prepared for Town of Nantucket," dated October 10, 2011, prepared by Nantucket Surveyors, LLC (the "Plan") and recorded with the Nantucket Registry of Deeds as Plan No. 2012-26 and consisting of the following Parcels described on the Plan:

<u>Parcel</u>	<u>Address/Location</u>	<u>Area ±</u>
Parcel B1	Unnamed Way off Baxter Road	2,451 s.f.
<u>Assessor ID</u>	<u>Supposed Owner(s)</u>	<u>Title Reference</u>
Map 49 Parcel 22	Elizabeth Singer, Trustee of 64 Baxter Road Realty Trust u/d/t dated February 22, 2001, and filed with the Nantucket County Registry District of the Land Court as Document No. 92079 as amended by instrument filed with Said Registry District of the Land Court As Document No. 109008	Certificate of Title 19844

<u>Parcel</u>	<u>Address/Location</u>	<u>Area ±</u>
Parcel B2	Unnamed Way off Baxter Road	2,472 s.f.
<u>Assessor ID</u>	<u>Supposed Owner(s)</u>	<u>Title Reference</u>
Map 49, Parcel 21	Ann R. Healey, Elinor Gammon Vaughter and Richard D. Tellier and Susan G. Tellier, Trustees of the Tellier Family Trust u/d/t dated October 5, 2007 recorded with said Deeds in Book 1191, Page 148.	Book 216, Page 54; Book 437, Page 46; Book 437, Page 48; and Book 1191, Page 145

Excepted from this Order of Taking are the rights of others to pass on foot over the bluffwalk and the path as shown on said Plan.

Any and all trees, vegetation, structures and improvements in the Parcels shown on said Plan are included in this Order of Taking.

The damages sustained by the supposed owner(s) listed above by reason of this taking of the Parcels are valued and awarded in a resolution of even date adopted by the Board of Selectmen in accordance with Massachusetts General Laws Chapter 79, as amended.

If any party named hereinabove as an owner of any Parcels taken hereby is not a true owner of said Parcels, then the award is made only to the true owner(s) of said Parcels.

(Remainder of Page Intentionally Blank. Signatures Follow on Next Page.)

Adopted under seal this 25 day April, 2012

TOWN OF NANTUCKET
BY ITS BOARD OF SELECTMEN

Pat Rogge
Patricia Roggeveen

Robert DeCosta
Robert DeCosta

Rick Atherton
Rick Atherton

Whiting Willauer
Whiting Willauer

Bruce D. Miller
Bruce D. Miller

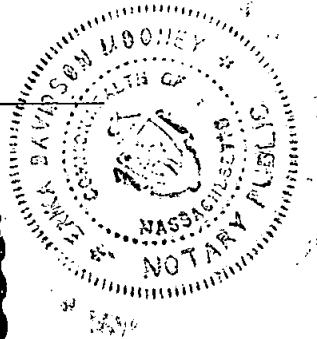
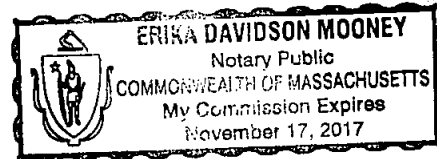
COMMONWEALTH OF MASSACHUSETTS

Nantucket County, ss

On this 25 day of April, 2012, before me, the undersigned notary public, personally appeared Patricia Roggeveen, Robert DeCosta, Rick Atherton, ~~Whiting Willauer~~ and Bruce D. Miller as members of the Board of Selectmen of the Town of Nantucket, proved to me through satisfactory evidence of identification, which was personal knowledge of the undersigned, to be the persons whose names are signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose as the free act and deed of the Board of Selectmen of the Town of Nantucket.

Erika D Mooney
Notary Public
My commission expires:

448979/NANTYDSALE/0001





Town of Nantucket

♦♦♦♦♦

OFFICE OF THE TOWN & COUNTY CLERK

16 Broad Street
NANTUCKET, MASSACHUSETTS 02554-3590

Catherine Flanagan Stover, MMC, CMMC
Town & County Clerk

(508) 228-7216

FAX (508) 325-5313

Home: (508) 228-7841

Email: cstover@nantucket-ma.gov

townclerk@nantucket-ma.gov

WEBSITE: <http://www.nantucket-ma.gov>

♦♦♦♦♦

April 7, 2010

TO WHOM IT MAY CONCERN:

I, Catherine Flanagan Stover, duly elected Clerk of the Town and County of Nantucket, hereby certify that the April 5, 2010 ANNUAL TOWN MEETING adopted **Article 74: "Real Estate Acquisition: Connections to Siasconset Bluffwalk"** at the April 6, 2010 adjourned session when ...the adoption of all articles not heretofore acted upon as recommended by the Finance Committee, or as recommended by the Planning Board was duly motioned and seconded.

VOTE: The vote on the motion pursuant to Article 74 as moved by the Finance Committee, was by Unanimous Voice Vote. The motion was adopted.

Catherine Flanagan Stover, MMC, CMMC
Town and County Clerk

ARTICLE 74

(Real Estate Acquisition: Connections to Siasconset Bluffwalk)

To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift or eminent domain the fee or lesser interests in all or any portions of those certain rights of way identified below, together with any public and private rights of passage, for public ways and/or general municipal purposes:

(I) Six ways in Siasconset located between the easterly sideline of Baxter Road and the westerly sideline of Town-owned property known as Town Assessor Map 49, Parcel 9 as follows:

- Rosaly Lane;
- Callender Lane;
- Frazer Lane;
- Ballantine Lane;
- Wilson Lane; and
- Anne's Lane (sometimes also known as Ann's Lane); and

(II) Three unnamed ways in Siasconset located between the easterly sideline of Baxter Road and the westerly sideline of Town-owned property known as Town Assessor Map 49, Parcel 9 as follows:

- Unnamed way located on and between the property at 73 Baxter Road known as Town Assessor Map 49, Parcel 27 and the property at 71 Baxter Road known as Town Assessor Map 49, Parcel 26.1;
- Unnamed way located on and between the property at 67 Baxter Road known as Town Assessor Map 49, Parcel 24 and the property at 65 Baxter Road known as Town Assessor Map 49, Parcel 23;
- Unnamed way located on and between the property at 63 Baxter Road known as Town Assessor Map 49, Parcel 22 and the property at 61 Baxter Road known as Town Assessor Map 49, Parcel 21; and

(III) Nosegay Lane between the westerly sideline of Sankaty Road and the westerly sideline of Town-owned property known as Town Assessor Map 49, Parcel 9; and

(IV) One unnamed way in Siasconset located between the easterly sideline of Baxter Road and the easterly sideline of a footpath known as Siasconset "Bluffwalk" located on and/or between the property at 55 Baxter Road known as Town Assessor Map 49, Parcel 18 and the property at 53 Baxter Road known as Town Assessor Map 49, Parcel 17; to see if the Town will vote to appropriate, borrow pursuant to applicable statute or transfer from available funds, a sum of money for such purposes; and to take any other actions related thereto.

(Board of Selectmen)

FINANCE COMMITTEE MOTION: Moved that the Board of Selectmen is authorized to acquire by purchase, gift or eminent domain the fee or lesser interests in all or any portions of those certain rights of way identified below, together with any public and private rights of passage, for public ways and/or general municipal purposes:

(I) Five ways in Siasconset located between the easterly sideline of Baxter Road and the westerly sideline of Town-owned property known as Town Assessor Map 49, Parcel 9 as follows:

- Rosaly Lane;
- Frazer Lane;

- Ballantine Lane;
- Wilson Lane; and
- Anne's Lane (sometimes also known as Ann's Lane); and

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- Unnamed way located on and between the property at 73 Baxter Road known as Town Assessor Map 49, Parcel 27 and the property at 71 Baxter Road known as Town Assessor Map 49, Parcel 26.1;
- Unnamed way located on and between the property at 67 Baxter Road known as Town Assessor Map 49, Parcel 24 and the property at 65 Baxter Road known as Town Assessor Map 49, Parcel 23;
- Unnamed way located on and between the property at 63 Baxter Road known as Town Assessor Map 49, Parcel 22 and the property at 61 Baxter Road known as Town Assessor Map 49, Parcel 21; and

(III) Nosegay Lane between the westerly sideline of Sankaty Road and the westerly sideline of Town-owned property known as Town Assessor Map 49, Parcel 9.

BOARD OF SELECTMEN COMMENT: The Board of Selectmen supports the Finance Committee Motion. The Board of Selectmen has taken action to create a committee to make recommendations to the Board regarding the management of these ways.

DOC No: 00136877

NANTUCKET COUNTY LAND COURT
REGISTRY DISTRICT

** RECEIVED FOR REGISTRATION **

On: Apr 26, 2012 at 10:56A

Document Fee: 75.00 Rec Total: \$375.00

CERTIFICATE No: 19844

NANTUCKET COUNTY Received & Entered of Deeds
Attest: Jennifer H. Ferreira, Register



2011 00001790

Bk: 1286 Pg: 44 Page: 1 of 6
Doc: OOT 07/13/2011 10:45 AM

COMMONWEALTH OF MASSACHUSETTS
TOWN OF NANTUCKET
BOARD OF SELECTMEN

ORDER OF TAKING BY EMINENT DOMAIN
OF UNNAMED WAY
OFF BAXTER ROAD

The undersigned being the majority of the duly elected and serving members of the Board of Selectmen of the Town of Nantucket, a body politic and corporate and a political subdivision of the Commonwealth of Massachusetts, having a principal place of business at Town and County Building, 16 Broad Street, Nantucket, Massachusetts ("Town"), acting by authority of Massachusetts General Laws Chapter 40, § 14 and Chapter 79, as amended, Article III, Section 3.3 of the Town Charter, St. 1996, c. 289, § 1, and the vote on Article 74 adopted by the Town at its 2010 Annual Town Meeting, a certified copy of which is attached hereto, and by virtue of every other power and authority hereto enabling us, having complied with all the preliminary requirements prescribed by law, having determined that the taking of the fee in those certain parcels of land comprising an unnamed way located on and between the properties at 65 Baxter Road and 67 Baxter Road described below ("Parcels") is required for general municipal purposes and public access purposes, do hereby adopt and decree this Order of Taking on behalf of the Town and do hereby take from the supposed owners of the Parcels, those who hold easements and other rights to the Parcels, and all their successors, heirs and assigns, as their interests may appear, by the right of eminent domain, the fee in the Parcels, including but not limited to all rights of passage, if any, as follows:

The land shown on a plan of land entitled "Roadway Acquisition & Disposition Plan in Nantucket, Mass. Of 30' Wide Unnamed Way (Off Baxter Road) Assessor's Map 49, Prepared by Bracken Engineering, Inc.," Scale: 1" = 20', dated March 1, 2011 (the "Plan") and recorded with the Nantucket Registry of Deeds as Plan No. 23 of 2011 and consisting of the following Parcels described on the Plan:

<u>Parcel</u>	<u>Address/Location</u>	<u>Area ±</u>
Parcel A	Unnamed Way off Baxter Road	2,268 s.f.
<u>Assessor ID</u>	<u>Supposed Owner(s)</u>	<u>Title Reference</u>
Map 49 Parcel 24	Morning Light, LLC	Book 845, Page 269
<u>Parcel</u>	<u>Address/Location</u>	<u>Area ±</u>
Parcel B	Unnamed Way off Baxter Road	2,268 s.f.

<u>Assessor ID</u>	<u>Supposed Owner(s)</u>	<u>Title Reference</u>
Map 49, Parcel 23	Thomas Tuttle and Sharmila Tuttle	Book 1200, Page 102

Any and all trees, vegetation, structures and improvements at the Parcels are included in this Order of Taking.

The damages sustained by the supposed owner(s) listed above by reason of this taking of the Parcels are valued and awarded in a resolution of even date adopted by the Board of Selectmen in accordance with Massachusetts General Laws Chapter 79, as amended.

If any party named hereinabove as an owner of any Parcels taken hereby is not a true owner of said Parcels, then the award is made only to the true owner(s) of said Parcels.

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Adopted under seal this 6 day July, 2011

TOWN OF NANTUCKET
BY ITS BOARD OF SELECTMEN

Pat Roggeveen
Patricia Roggeveen

Whiting Willauer
Whiting Willauer

Rick Atherton
Rick Atherton

Michael Kopko
Michael Kopko

Robert DeCosta
Robert DeCosta

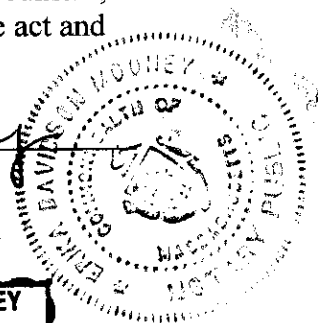
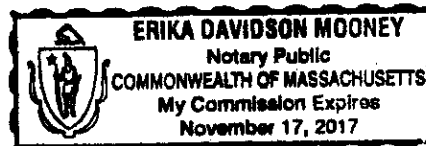
COMMONWEALTH OF MASSACHUSETTS

Nantucket County, ss

On this 8 day of July, 2011, before me, the undersigned notary public, personally appeared Patricia Roggeveen, Whiting Willauer, Rick Atherton, Michael Kopko, and Robert DeCosta, as members of the Board of Selectmen of the Town of Nantucket, proved to me through satisfactory evidence of identification, which was personal knowledge of the undersigned, to be the persons whose names are signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose as the free act and deed of the Board of Selectmen of the Town of Nantucket.

Erika Davidson Mooney
Notary Public
My commission expires:

423541/NANTYDSALE/0001



Town of Nantucket

♦♦♦♦♦

OFFICE OF THE TOWN & COUNTY CLERK

16 Broad Street
NANTUCKET, MASSACHUSETTS 02554-3590

Catherine Flanagan Stover, MMC, CMMC
Town & County Clerk

(508) 228-7216

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Home: (508) 228-7841

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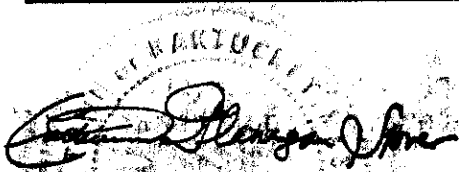
♦♦♦♦♦

April 7, 2010

TO WHOM IT MAY CONCERN:

I, Catherine Flanagan Stover, duly elected Clerk of the Town and County of Nantucket, hereby certify that the April 5, 2010 ANNUAL TOWN MEETING adopted **Article 74: "Real Estate Acquisition: Connections to Siasconset Bluffwalk"** at the April 6, 2010 adjourned session when ...the adoption of all articles not heretofore acted upon as recommended by the Finance Committee, or as recommended by the Planning Board was duly motioned and seconded.

VOTE: The vote on the motion pursuant to Article 74 as moved by the Finance Committee, was by Unanimous Voice Vote. The motion was adopted.



Catherine Flanagan Stover, MMC, CMMC
Town and County Clerk

ARTICLE 74**(Real Estate Acquisition: Connections to Siasconset Bluffwalk)**

To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift or eminent domain the fee or lesser interests in all or any portions of those certain rights of way identified below, together with any public and private rights of passage, for public ways and/or general municipal purposes:

(I) Six ways in Siasconset located between the easterly sideline of Baxter Road and the westerly sideline of Town-owned property known as Town Assessor Map 49, Parcel 9 as follows:

- Rosaly Lane;
- Callender Lane;
- Frazer Lane;
- Ballantine Lane;
- Wilson Lane; and
- Anne's Lane (sometimes also known as Ann's Lane); and

(II) Three unnamed ways in Siasconset located between the easterly sideline of Baxter Road and the westerly sideline of Town-owned property known as Town Assessor Map 49, Parcel 9 as follows:

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- Unnamed way located on and between the property at 67 Baxter Road known as Town Assessor Map 49, Parcel 24 and the property at 65 Baxter Road known as Town Assessor Map 49, Parcel 23;
- Unnamed way located on and between the property at 63 Baxter Road known as Town Assessor Map 49, Parcel 22 and the property at 61 Baxter Road known as Town Assessor Map 49, Parcel 21; and

(III) Nosegay Lane between the westerly sideline of Sankaty Road and the westerly sideline of Town-owned property known as Town Assessor Map 49, Parcel 9; and

(IV) One unnamed way in Siasconset located between the easterly sideline of Baxter Road and the easterly sideline of a footpath known as Siasconset "Bluffwalk" located on and/or between the property at 55 Baxter Road known as Town Assessor Map 49, Parcel 18 and the property at 53 Baxter Road known as Town Assessor Map 49, Parcel 17; to see if the Town will vote to appropriate, borrow pursuant to applicable statute or transfer from available funds, a sum of money for such purposes; and to take any other actions related thereto.

(Board of Selectmen)

FINANCE COMMITTEE MOTION: Moved that the Board of Selectmen is authorized to acquire by purchase, gift or eminent domain the fee or lesser interests in all or any portions of those certain rights of way identified below, together with any public and private rights of passage, for public ways and/or general municipal purposes:

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- Frazer Lane;

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- Wilson Lane; and
- Anne's Lane (sometimes also known as Ann's Lane); and

(II) Three unnamed ways in Siasconset located between the easterly sideline of Baxter Road and the westerly sideline of Town-owned property known as Town Assessor Map 49, Parcel 9 as follows:

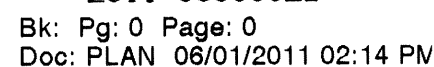
- Unnamed way located on and between the property at 73 Baxter Road known as Town Assessor Map 49, Parcel 27 and the property at 71 Baxter Road known as Town Assessor Map 49, Parcel 26.1;
- Unnamed way located on and between the property at 67 Baxter Road known as Town Assessor Map 49, Parcel 24 and the property at 65 Baxter Road known as Town Assessor Map 49, Parcel 23;
- Unnamed way located on and between the property at 63 Baxter Road known as Town Assessor Map 49, Parcel 22 and the property at 61 Baxter Road known as Town Assessor Map 49, Parcel 21; and

(III) Nosegay Lane between the westerly sideline of Sankaty Road and the westerly sideline of Town-owned property known as Town Assessor Map 49, Parcel 9.

BOARD OF SELECTMEN COMMENT: The Board of Selectmen supports the Finance Committee Motion. The Board of Selectmen has taken action to create a committee to make recommendations to the Board regarding the management of these ways.



NANTUCKET COUNTY Received & Entered
Attest: Jennifer H. Ferreira, Registrar of Deeds



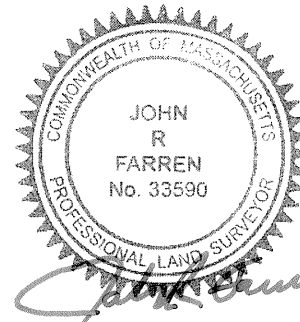
OF DEEDS
Date: 06.01.2011
Time: 2:14 PM
Plan No: 2011-23

Signature: Jennifer Turner
 Date: _____ Register

Sheet 1 of 1

RESERVED FOR REGISTRY USE

I CERTIFY THAT THIS PLAN HAS BEEN
PREPARED IN CONFORMANCE WITH THE
RULES AND REGULATIONS OF THE
REGISTRY OF DEEDS OF THE
COMMONWEALTH OF MASSACHUSETTS.



JOHN R. FARREN, PLS
MASSACHUSETTS REG.
NO. 33590

GRAPHIC SCALE



(IN FEET)
1 inch = 20 ft.

ROADWAY ACQUISITION & DISPOSITION PLAN

 $\mathbb{N}$

NANTUCKET, MASS.

OF

30' WIDE UNNAMED WAY
(OFF BAXTER ROAD)

ASSESSOR'S MAP 49

PREPARED BY

BRACKEN ENGINEERING, INC.

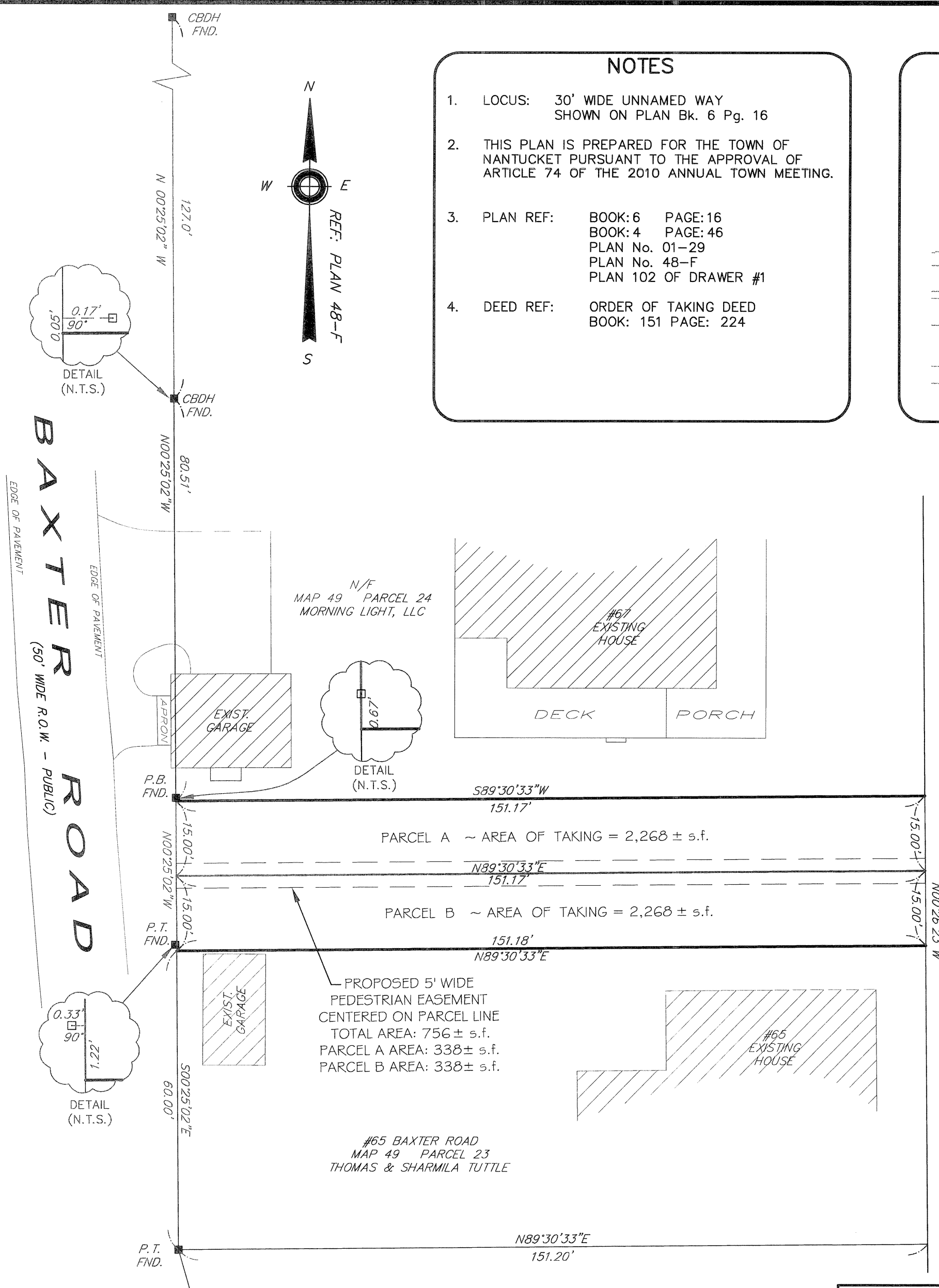
19 OLD SOUTH ROAD, UNIT B

P.O. BOX 3525

NANTUCKET, MA 02584

tel: (508) 325-0044

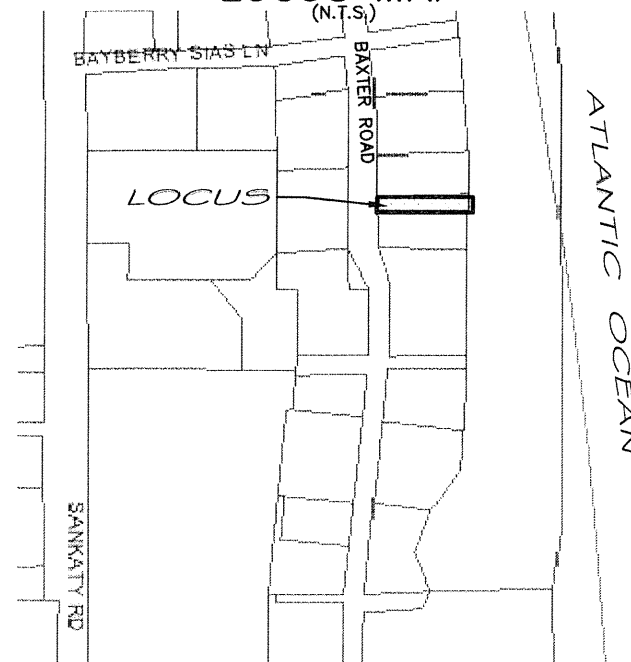
SCALE: 1" = 20' MARCH 1, 2011



NOTES

1. LOCUS: 30' WIDE UNNAMED WAY
SHOWN ON PLAN Bk. 6 Pg. 16
2. THIS PLAN IS PREPARED FOR THE TOWN OF
NANTUCKET PURSUANT TO THE APPROVAL OF
ARTICLE 74 OF THE 2010 ANNUAL TOWN MEETING.
3. PLAN REF: BOOK: 6 PAGE: 16
BOOK: 4 PAGE: 46
PLAN No. 01-29
PLAN No. 48-F
PLAN 102 OF DRAWER #1
4. DEED REF: ORDER OF TAKING DEED
BOOK: 151 PAGE: 224

LOCUS MAP



TOWN OF NANTUCKET
BOARD OF SELECTMEN

DATE: 25 May 2011

Pat Egan

W. R. Williams

Paul Adams

APPROVED BY THE
NANTUCKET PLANNING BOARD

DATE: 031411

FILE NUMBER: 1-7338

Randy L. Hume

Edward R. Howard

[Handwritten signature]

[Signature]



TOWN OF NANTUCKET ENCROACHMENT POLICY

Effective Date: July 12, 1994

Date Adopted: July 12, 1994

Date Revised: November 1, 2000; January 31, 2013; November 5, 2014;
February 1, 2021 (Select Board name change)

Applicability: Town of Nantucket Property Owners and Lease Holders.

I. Purpose

To keep the Town-owned rights of ways ("Town Ways") open to the public. Encroachments into Town Ways are primarily significant plantings and landscaping, fences, structures and other improvements placed by property owners to maximize and expand the appearance of their property. As a result of these encroachments in the Town Ways, the safety of drivers and pedestrians may be at risk, the maintenance of these Town-owned right of ways may be prevented or impaired, and the Town may be subject to potential liability from any damage caused by these encroachments in addition to other potential issues caused as a result of the encroachments.

II. Definitions

Encroachment is an unlawful intrusion upon the right or possession of another. In the case of public ways, and sidewalk and bike path easements, the placement of any plantings, structures or other improvements in the boundaries of a public way is deemed to be an encroachment.

Note: G.L. c. 86, s. 3 prevents an abutting landowner from gaining title to a portion of a public way by adverse possession, but only when the boundaries of a public way are known or can be made certain by records or monuments. A property owner cannot claim property rights by adverse possession against a municipality. Adverse possession is the open, continuous and notorious possession of property for a period of twenty years.

III. Policy

It is the policy of the Town of Nantucket to have the property owner or the leasehold property owner, if applicable, and where possible, who placed the encroachments into the Town Ways to remove said encroachments from the Town Ways, unless authorized by the Select Board as follows.

Category I

Encroachments on Town Ways causing an immediate public safety hazard as determined by the Department of Public Works, or those blocking a Town Way so as to impede

public access, shall be removed immediately by the Town of Nantucket and the owner will be billed for the work done.

Please note that the Town Code Chapter 127-3 prohibits the placement of “obstructions” in any street, sidewalk bicycle path or “way” as defined without permission of the Select Board. After being notified by a police officer if the property owner fails to remove or commence the removal of the obstruction within 10 minutes after such notification, then he shall be punished by a fine not to exceed \$200. The obstruction is defined as any “bale, box, trunk, grate, cask barrel, garbage can, package dirt or other debris, gate, post or anything that acts as a barrier, whether portable or permanent”.

Also please note that G.L. c. 86, Section 3 provides that the Select Board or the County Commissioners having authority over the public way in question notify the offending property owner of the encroachment by written notice, and then if the encroachment is not removed by the owner, may then remove it.

Category II

Encroachments on Town Ways that do not cause an immediate threat to public safety shall be removed by the property owner following the notification process identified below.

Category III

Encroachments that have a historical precedent, as determined by the Select Board, with advice of pertinent town officials, may be permitted to remain. Category III encroachments will be identified on a Town-maintained list and, where appropriate, on land records. The list will be maintained by the Town and noted on the Town GIS system.

IV. Procedure

The following procedures shall be followed for enforcement of this policy.

A complaint may be made directly to the Public Works Department by a member of the public. Additionally, if an encroachment is observed by the Fire Chief, Police Chief, Public Works Director, or their designees and employees, then they shall inform the Public Works Director.

Examples of encroachments:

- Obstructions to sight distances at street and driveway intersections;
- Obstructions that lessen sidewalk width;
- Stones, posts or any obstruction, placed on the edge of the pavement or shoulder of the way to prevent parking;
- Drain pipes not installed by the Town which discharge into the road portion of the public way;
- And other such hazards as identified by the Public Works Director or designee(s).

If, after review by the Public Works Director, the encroachment is deemed to be Category I, that is; an immediate threat to public safety, the unsafe condition shall be corrected, or made safe immediately, by the Public Works Department.

If after review by the Public Works Director, the encroachment is deemed not to be an immediate threat, that is a Category II, then the property owner or leaseholder shall be sent a letter, by the Select Board requiring the encroachment to be removed within 15 days from the certified date of receipt of the letter.

- A letter will be sent by mail informing the property owner or leaseholder of the encroachment. The property owner or leaseholder then has 15 days from receipt of the letter to initiate steps for remediation of the encroachment.
- If the property owner or leaseholder does not initiate steps within 15 days to remove the encroachment, the Public Works Department shall remove the encroachment and may charge costs to the property owner.
- Work that may be done by the DPW or Town subcontractors includes;
 - elimination of overhanging branches and foliage, which may be pruned to the edge of the right of way;
 - removal of stones or other impediments in the right of way;
 - removal of tripping hazards;
 - and removal of other such hazards as identified by the Public Works Director.

V. Public Works Review Process

Reviews may include reference to the Town GIS map, the Google World Map, and to plans and permits on file at the Building Department, Nantucket Registry of Deeds, Board of Health, and the Historic District Commission.

In certain cases the Public Works Director, may decide that the right of way needs to be surveyed to determine the extent of the encroachment. In the first instance, the level of precision for such a survey shall be a minimum of plus or minus one foot. The Director may subsequently decide that a more accurate survey may be required.

The property owner shall pay for the survey if an encroachment is found. If the owner provides a survey stamped by a Registered Land Surveyor, showing the information needed, it shall be accepted for review by the DPW Director.

VI. Prevention of Encroachment Maintenance Requirements

Hedges abutting public ways shall be trimmed back from the edge of the public way vertically up to a height of 14 feet and shall be clear of the Public Way.

Hedges that extend from a driveway along the right of way shall be no higher than 3 feet for a distance of 20 feet either side of the driveway.

Hedges for properties on corner lots shall be no higher than 3 feet for a distance of 20 feet along each road and there shall be no plantings or landscape elements within that 20 foot radius higher than 3 feet.

Fences along the public way shall be entirely clear of the public way, including the post hole. (As guidance, the face of the fence shall be 0.5 feet clear of the public way.)

The public way shall not be used for a parking area, other than allowed on-street parking.

VII. Permitted Uses

Category III: if the Select Board determines that certain historical encroachments do not pose a threat to public safety then it may grant an approval to the property owner. A fee shall be set which is a minimum of \$50 for the costs to review the easement application. In addition, a usage fee of \$10 per square foot of encroachment area shall be paid. These approvals shall be noted on the Town GIS Map.

Curb cuts to enter permitted parking areas shall be allowed, along with paving as required by the DPW.



DEPARTMENT OF PUBLIC WORKS *BRUSH CUTTING & MOWING GUIDELINES*

As of INSERT DATE

General Program:

The main brush-cutting season is between December and April of each year. A minimum of 5 persons work together with a variety of equipment to cut back vegetation encroaching into the edges of publicly traveled surfaces, including bicycle paths and roadways. The bucket truck and operator, 4 persons (2 with chain saws), and the chipper truck encompass one brush cutting crew. Because of the extensive daffodil displays on the primary roads, we begin in December to focus on the primary roads, until spring and daffodil season, when we focus on the secondary roads. Roadside brush cutting is a significant component of bicycle path maintenance.

Scope & Objectives:

Vehicular, bicycle and pedestrian safety are main concerns of the Department of Public Works (DPW). Roadway safety cannot be achieved without a comprehensive roadway maintenance program. DPW employees are responsible for reviewing the Nantucket's public roadways and rights-of-way, identifying hazards and taking corrective action to reduce those hazards.

These Guidelines focus on corrective action necessary to reduce the hazards caused by vegetation. Large trees close to the paved surface can present a fixed object hazard. Grass, weeds, brush and overhanging tree limbs can obscure or limit safe sight line distances. Controlling vegetation helps to reduce the potential for crashes and injuries.

The purpose of these guidelines is to assist DPW maintenance workers in identifying locations where vegetation control is needed to improve safety

for the traveling public, as well as to inform the public as to how and when the DPW addresses this type of safety issue.

GOALS OF VEGETATION CONTROL:

The primary goals of vegetation control include:

- Enhancing public safety.
- Keeping signs visible to drivers, pedestrians, cyclists.
- Making bicyclists, pedestrians and other vehicles and users visible to drivers.
- Improving driver visibility of wildlife near the road.
- Helping pedestrians and bicyclists see on-coming traffic.
- Keeping sidewalks, bike paths and roadways clear of low hanging vegetation.
- Preventing vegetative disruption of infrastructure improvements such as drainage, sidewalks and roadway/bike path surfaces.

SPECIFIC CHECKLIST:

Sign Visibility:

- Signs should be clearly visible to drivers at all times.
- Screening or obstructing vegetation should be removed as soon as possible.
- PEDESTRIAN CROSSING, STOP & YIELD signs are most critical and should be cleared immediately.
- The following chart will be used to establish signage sight lines where practical:

Speed Limit (mph)	Traffic Signs (feet)	Directional Signs (feet)
30	250	150
45	350	200

Clear Sight Distance:

- Cut tall grass or brush to define the edge of the road or bike path shoulders.

- Make visible any low fixed objects such as culvert headwalls, drainage inlets and guardrail ends.
- Periodically cut roadway shoulder brush, grass and shrubs to maintain maximum sight distances.
- Keep overhanging/taller vegetation cut to 14 feet or higher above the traveled surface where possible.

Intersection Visibility:

- Where practical, establish a clear vision triangle at each corner of an intersection.
- Private property owners may need to participate in vegetation control at these intersections if private property is involved.
- Cut, trim or clear trees, grass or brush which limit visibility at intersections.

*Town of Nantucket, MA
Monday, June 27, 2016*

Chapter 127. Streets and Sidewalks

Article II. Obstructions on Sidewalks

[Adopted 4-3-1979 ATM by Art. 93, approved 8-18-1979]

§ 127-3. Placing of obstructions prohibited; violations and penalties.

[Amended 11-13-1990 STM by Art. 30, approved 3-19-1991]

Whoever shall place or cause to be placed upon any street, sidewalk, bicycle path or way ("way" shall mean any public highway, private way laid out under authority of statute or any way or place customarily used by the public for purposes for which a public way is generally used in the Town or County of Nantucket) any bale, box, trunk, grate, cask, barrel, garbage can, package, dirt or other debris, gate, post or anything that acts as a barrier, whether portable or permanent, so as to obstruct any street, travelled way, sidewalk or bicycle path within the Town of Nantucket without written permission from the Board of Selectmen and, after being notified by a police officer, fails to move or commence the removal of such obstruction within 10 minutes after such notification shall be punished by a fine not to exceed \$200.

§ 132-1. Height restrictions; notice and enforcement.

- A. In order to preserve and promote the safety of the public, hedge or shrub or other growth on the corner lot or curb obstructing the view of motorists and situated within 15 feet of a public street, or curb- or side line thereof, shall not be permitted by the owner or occupant of the premises to exceed the height of three feet above road grade; any and all trees within said fifteen-foot area (shade trees are to be subject to the provisions of MGL c. 87, § 3) shall have limbs trimmed to the height of six feet above road grade, including that any growth overhanging public walkways shall also be trimmed to the property line at the owner's expense. **[Amended 4-2-1985 ATM by Art. 27, approved 8-12-1985]**
- B. The Department of Public Works (DPW) shall notify the owner of the property of a violation of this chapter by certified mail. If the violation shall not have been cured within 15 days of the date of mailing of the notice, the DPW shall have the right to enter upon the property and correct such violation. **[Added 8-29-1985 STM by Art. 4, approved 8-8-1986]**

