

Prepared By and  
When Recorded Return to:  
Nutter, McClennen & Fish, LLP  
Seaport West  
155 Seaport Boulevard  
Boston, MA 02210-2604

### **RELEASE OF OPEN SPACE COVENANT AND RESTRICTION**

THIS RELEASE OF OPEN SPACE COVENANT AND RESTRICTION is made as of the \_\_\_\_ day of \_\_\_\_\_, 2015, by CPC-T Holdings, LLC, a Massachusetts limited liability company, having an address of 1601 Trapelo Road, Suite 280, Waltham, MA 02451 (“CPC”) and the City of Somerville, a body corporate and politic with a usual address at 93 Highland Avenue, Somerville, Massachusetts 02143 (the “City”).

### **BACKGROUND**

- A. CPC is the owner of the land off of Cross Street East, Somerville, Massachusetts (the “CPC Property”), as described in the deed recorded with the Middlesex South District Registry of Deeds (the “Registry”) in Book \_\_\_\_\_, Page \_\_\_\_\_. The legal description of the CPC Property is attached as Exhibit A, and the CPC Property is shown approximately on the sketch plan attached as Exhibit B.
- B. The CPC Property, along with a larger area previously developed, is subject to an Open Space Covenant and Restrictions, recorded with the Registry in Book 45650, Page 480 (the “Open Space Covenant”).
- C. CPC intends to redevelop the CPC Property into a residential development, which has been approved, subject to certain conditions, by the Somerville Planning Board pursuant to Case No. PB 2014-31. The Special Permit for the project is recorded with the Registry in Book \_\_\_\_\_, Page \_\_\_\_\_ (the “Special Permit”).
- D. Pursuant to the Special Permit, CPC sought, and the City approved, the discontinuance of a portion of Cross Street East in Somerville, Massachusetts.
- E. Pursuant to the Special Permit, the City and CPC entered into a separate Easement Agreement, recorded with the Registry in Book \_\_\_\_\_, Page \_\_\_\_\_ regarding the use of open space associated with the CPC Property and access rights to the discontinued portion of Cross Street East.

- F. The City acknowledges that CPC has obtained all necessary approvals from the Applicable Authorities in the City for the redevelopment of the CPC Property pursuant to the Special Permit, thereby allowing the CPC Property to be released from the effect of the Open Space Covenant.
- G. On \_\_\_\_\_, 2015, the City of Somerville Board of Aldermen voted to release the CPC Property from the Open Space Covenant.

**RELEASE**

NOW THEREFORE, for good and valuable consideration paid, the receipt and sufficiency of which are hereby acknowledged, CPC and the City hereby release the CPC Property, as described in Exhibit A and as shown as the “Area to be Released from Open Space Covenant” on Exhibit B, from the effect of and covenants contained in the Open Space Covenant, as if for all purposes the CPC Property had not been included in the Open Space Covenant.

Nothing in this release affects any other property subject to the Open Space Covenant and the requirements contained therein.

[SIGNATURE ON FOLLOWING PAGE]

EXECUTED under seal as of the day and year first above written.

**CPC-T HOLDINGS, LLC**

By: \_\_\_\_\_

Name:

Title:

**THE CITY OF SOMERVILLE**  
[INSERT SIGNATURE BLOCK]

By: \_\_\_\_\_

Name:

Title:

[Notary Acknowledgments on Following Page]

COMMONWEALTH OF MASSACHUSETTS

COUNTY: \_\_\_\_\_, ss.

On this \_\_\_\_ day of \_\_\_\_\_, 2015, before me, the undersigned notary public, personally appeared \_\_\_\_\_, proved to me through satisfactory evidence of identification, which was \_\_\_\_\_, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that (s)he signed it voluntarily for its stated purpose, in his/her capacity as \_\_\_\_\_ of the City of Somerville.

\_\_\_\_\_  
Notary Public

My commission expires:

EXECUTED under seal as of the day and year first above written.

COMMONWEALTH OF MASSACHUSETTS

COUNTY: \_\_\_\_\_, ss.

On this \_\_\_\_ day of \_\_\_\_\_, 2015, before me, the undersigned notary public, personally appeared \_\_\_\_\_, proved to me through satisfactory evidence of identification, which was \_\_\_\_\_, 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, in his capacity as a \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

My commission expires:

**Exhibit A**

Legal Description

[Attached]

## Legal Description – CPC Parcel

A certain parcel of land situated at the northwest intersection of Mystic Avenue and Cross Street East in the City of Somerville, County of Middlesex, Commonwealth of Massachusetts, bounded and described as follows:

Beginning at a point on the westerly sideline of Mystic Avenue and the northerly sideline of Cross Street East, being the beginning of a curve and the northeasterly corner of the described parcel; thence

Southwesterly and curving to the right along the arc of a curve having a radius of thirty three and no hundredths feet (33.00') a length of forty three and twenty hundredths feet (43.20') to a point; thence

S 36°59'51" W a distance of three hundred twenty four and twelve hundredths feet (324.12') to a point, the last (2) courses by the northerly sideline of Cross Street East; thence

N 53°00'09" W a distance of one hundred ninety and twenty one hundredths feet (190.21') to a point; thence

N 36°58'11" E a distance of seventeen and thirteen hundredths feet (17.13') to a point; thence

Northeasterly and curving to the left along the arc of a curve having a radius of seventy and no hundredths feet (70.00') a length of eighty and eighty three hundredths feet (80.83') to a point; thence

N 37°13'09" E a distance of two hundred fifty eight and thirty eight hundredths feet (258.38') to a point; thence

Northeasterly and curving to the right along the arc of a curve having a radius of forty four and no hundredths feet (44.00') a length of fifty four and sixty two hundredths feet (54.62') to a point; thence

S 38°00'00" E a distance of ninety six and fifteen hundredths feet (96.15') to the point of beginning, by the westerly sideline of Mystic Avenue.

The above described parcel contains 55,468 square feet in the City of Somerville, Massachusetts.

**Exhibit B**

Sketch Plan

[Attached]

2834199.1

REVISION 1 FROM EXHIBIT B ONLY

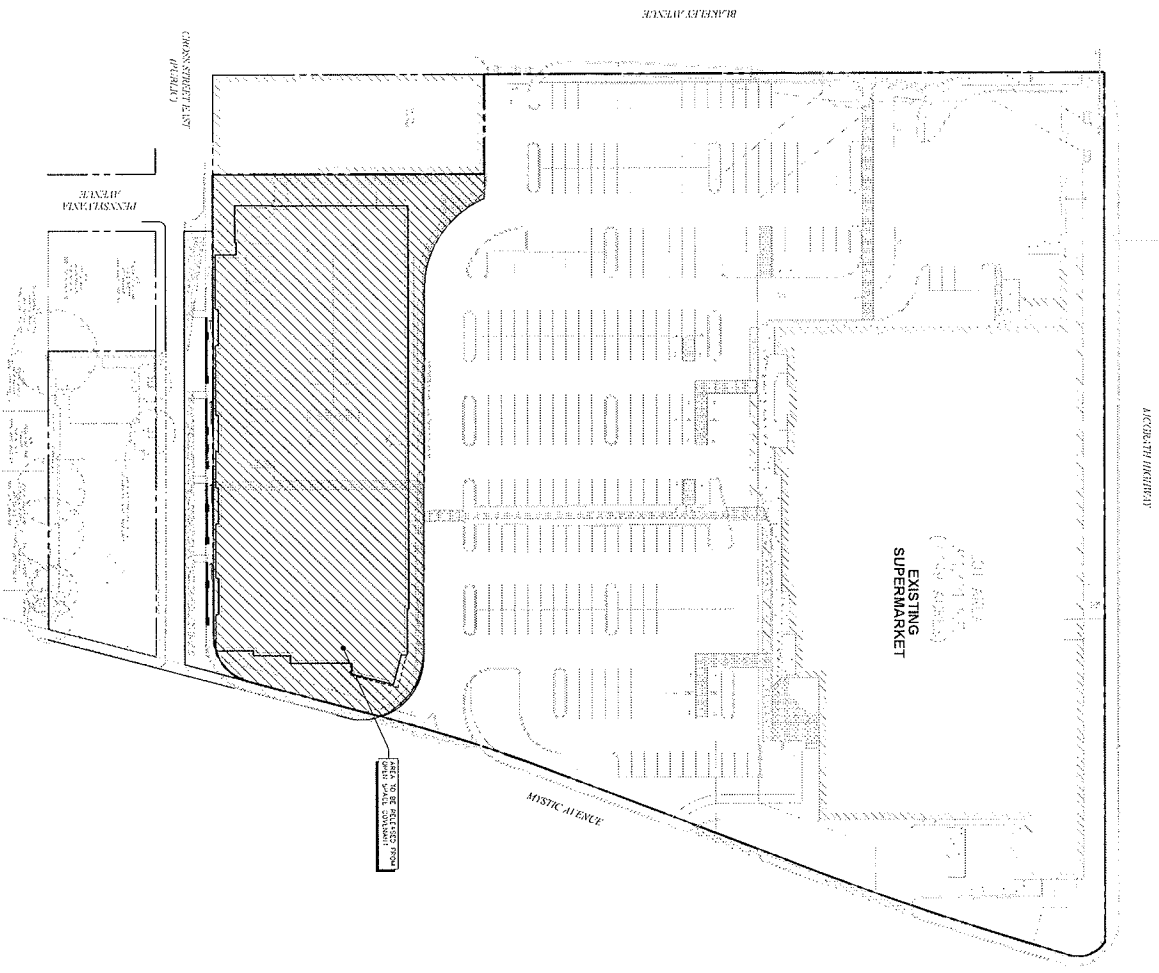


**Certification**

I, the undersigned, certify that this plan was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer in the State of Massachusetts.

*[Signature]*

PROFESSIONAL ENGINEER



**EXHIBIT B**  
 RELEASE OF  
 OPEN SPACE COVENANT  
 IN  
**SOMERVILLE**  
 MASSACHUSETTS

PREPARED FOR: CRITERION DEVELOPMENT COMPANY, LLC  
 PREPARED BY: Vonasse Horngan Brudtjen, Inc.  
 Transportation, Land Development &  
 Environmental Services  
 100 Westwood Avenue, Box 9191  
 Worcester, MA 02271-9191  
 (617) 924-1710

SCALE: 1 INCH = 40 FEET DATE: JUNE 24, 2015