

MIDDLETON CODE

TOWN OF MIDDLETON, MASSACHUSETTS PLANNING BOARD

Covenant

KNOW ALL MEN BY THESE PRESENTS that whereas the undersigned _____ of _____ has submitted an application dated _____ to the Middleton Planning Board for approval of a definitive plan of a subdivision titled _____ dated _____ and has requested the Board to approve such plan without requiring a performance bond;

NOW, THEREFORE, THIS AGREEMENT WITNESSETH that in consideration of the Middleton Planning Board approving said plan without requiring a performance bond, the undersigned covenants and agrees with the Town of Middleton as follows:

1. The undersigned will not convey any lot in the subdivision or erect or place any structure on any lot on any such street in the subdivision until the construction of ways and the installation of municipal services necessary to adequately serve all lots on such street has been completed in the manner specified in the aforesaid definitive plan and in accordance with the covenants, conditions, agreements, terms and provisions thereof.
2. This agreement shall be binding upon the executors, administrators, devisees, heirs, successors and assigns of the undersigned.
3. This agreement shall constitute a covenant running with the land included in the aforesaid subdivision and shall operate as restrictions upon said land. This covenant shall take effect upon the approval of said plan. Reference to this covenant shall be entered upon said plan and shall be recorded when said plan is recorded.
4. It is understood and agreed that lots within the subdivision may be released from the foregoing conditions upon the recording of a certificate of performance executed by a majority of the Middleton Planning Board and enumerating the specific lots to be so released.
5. The undersigned represents and covenants that the undersigned is the owner in fee simple of all land included in the aforesaid subdivision and that there are no mortgages of record or otherwise of any of said land, except such as are described below and subordinated to this contract, and the present holders of said mortgages have assented to this contract prior to its execution by the undersigned.

SUBDIVISION OF LAND

6. The construction of all ways and installation of all municipal services shall be completed in accordance with the applicable Rules and Regulations of the Town of Middleton Governing the Subdivision of Land before _____, unless an extension of time is granted by the Middleton Planning Board. Failure to so complete shall automatically rescind approval of the plan.
7. The undersigned _____, spouse of the covenantor, hereby agrees that such interest as I may have in said premises shall be subject to the provisions of this covenant and insofar as is necessary release all rights of tenacy by the courtesy, dower, homestead and other interest therein.

IN WITNESS WHEREOF the undersigned, applicant as aforesaid, does hereunto set his hand and seal this _____ day of _____, ____.

Applicant's Husband/Wife

Applicant(s)

by _____
(Title)

COMMONWEALTH OF MASSACHUSETTS

Essex, ss.

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

Notary Public

My Commission Expires _____