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BARNSTABLE LAND COURT REGISTRY

N O T
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QUITCLAIM DEED

The Barnstable Water Company, a corporation chartered under Chapter 286 of the Massachusetts Acts of 1911.

For consideration paid of Six Million Sixty-Eight Thousand Seven Hundred and 00/100 Dollars ($6,068,700.00).

Grants to the Town of Barnstable, Massachusetts with an address of 367 Main Street, Hyannis, Massachusetts 02601,

with Quitclaim Covenants.

All the land and improvements located thereon as described in Exhibit "A" attached hereto.

For our title, see deeds referenced in Exhibit "A".

[SIGNATURE PAGES FOLLOW]

EXECUTED UNDER SEAL THIS 17th DAY OF MAY 2005.

NOT AN OFFICIAL COPY

BARNSTABLE WATER COMPANY

By _____

Name: Marshall T. Chiaraluce

Title: Chairman, President and CEO

STATE OF CONNECTICUT

Hartford, ss.

On this 17th day of May 2005, before me, the undersigned notary public, personally appeared Marshall T. Chiaraluce, Chairman, President and CEO of Barnstable Water Company, proved to me through satisfactory evidence of identification, which was Known to me, 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.

Josephine F. Lingua

Notary Public

My Commission Expires: 11/30/2008

JOSEPHINE F. LINGUA NOTARY PUBLIC CONNECTICUT

EXECUTED UNDER SEAL THIS 18th DAY OF MAY 2005.

NOT AN OFFICIAL COPY

BARNSTABLE WATER COMPANY

By _____
Name: David C. Benoit
Title: Vice President and Chief Financial Officer and Treasurer

STATE OF CONNECTICUT

CLINTON, ss.

On this 18th day of May 2005, before me, the undersigned notary public, personally appeared David C. Benoit, Vice President and Chief Financial Officer and Treasurer of Barnstable Water Company, proved to me through satisfactory evidence of identification, which was KNOWN TO ME, 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.

_____
Notary Public
My Commission Expires: 5/31/13



EXHIBIT A

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TRACT I

PARCEL 1

A certain parcel of woodland situated in Barnstable, Barnstable County, Commonwealth of Massachusetts adjoining Mary Dun's Pond, bounded as follows, tow wit;- Beginning at the Northeast corner of the granted premises at land supposed once to have been Edward Hallett's and running South-Southwestwardly some two hundred and sixty odd (260) rods, be the same more or less, by land now or formerly of David Davis and others, to said Pond; thence Westerly by said Pond, some thirteen (13) rods, more or less; thence Northerly by land of Lewis C. Kelley, as bought from the heirs of Henry H. Baker and heirs of Ansel Hallett, to the North-east corner of the latter; thence by the latter, Westerly, about thirty-two (32) rods to the "Lewis or Mary Dunn's Road," thence by the latter Northerly, about five and one-half (5 ½) rods to land which the late John A. Baxter conveyed to John Lathrop in 1859, thence by the latter, first Easterly about thirty-two (32) rods, and then Northerly some forty (40) rods to land which John H. Prost and Charles C. Crocker bought from the Estate of George F. Baker, and continuing Northerly, (same courses) to the North-West corner of the granted premises; thence Easterly to the point of beginning; containing an estimated area of twenty-three acres, more or less.

PARCEL 2

A certain parcel of brush-land situate in the Town of Barnstable, Barnstable County, Commonwealth of Massachusetts, just North-westwardly from Hyannis, adjoining "Mary Dunn's Pond", bounded as follows: Beginning at the North-east corner of the granted premises by said Pond and land of Lewis C. Kelley, recently bought from Frank W. Crowell; and running, by the latter, first Eastwardly, about fourteen (14) rods, second Southwardly, about thirty (30) rods to an "old road" and continuing in very nearly the same course (a little more Westwardly) about eighty (80) rods to a stake and stone and about six (6) rods further to a large Cement Block set in the ground at the point where an ancient monument was set for many years; thence straight Westwardly, by land supposed of John Chapman, to and across the "Lewis or Mary Dunn's Road" and continuing the same course by land of owners unknown to another similar Cement Block; thence Northwardly to the Upper Gate Pond and across it and continuing Northwardly to another Cement Block about three (3) rods West of said "Mary Dunn's Road", and land of Lewis C. Kelley recently bought from the Heirs of John and Joshua Baker, by the latter, Eastwardly to, and across, said Mary Dunn's Road and Northwestwardly, by land of Lewis C. Kelley, recently bought from the Heirs of Henry H. Baker to said 'Mary Dunn's Pond"; thence by the latter, Southwardly and Westwardly to a lot of about an acre – herein called the "Ice House Lot" which is marked at its Southeast and Southwest corners and on its East and West lines, near said pond, by similar Cement Blocks; thence by said Ice House Lot" Southwardly, Eastwardly and Northwardly, in each case about two hundred ten (210) feet, to said Pond; and continuing by the latter generally Eastwardly to the point of beginning.

Being the premises conveyed to Barnstable Water Company by Deed of Lewis C. Kelley dated December 9, 1911 and recorded with Barnstable County Registry of Deeds in Book 314, Page 148.

TRACT II

A certain parcel of wood and brushland near the Village of Barnstable in the Town of Barnstable, Barnstable, Commonwealth of Massachusetts on both sides of the 'Mary Dunn Road" containing an area estimated (not measured) at about thirty-two (32) acres, be the same 'more or less" bounded Eastwardly by lands of Barnstable Water Company (bought from Dimmock) and, possible, others; Southwardly by land supposed to have been Caleb Sprague's some forty years ago; Westwardly by lands supposed of the Prayer's at that same time; and Northwardly by latter.

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Being the premises conveyed to Barnstable Water Company by Deed of Lucy Adelaide (widow of William R.) Sturgis, Edward S. and Howard S. Sturgis dated July 1, 1916 and recorded with said Deeds in Book 344, Page 399.

TRACT III

A certain parcel of brush land situate on the south side of Barnstable, Barnstable County, Massachusetts, it being the north end of the seventh lot of the third division of the late Common lands in Barnstable and is bounded as follows: Westwardly by woodland formerly of Isaac Davis; Northwardly by the first pond on the west side of Mary Dunn's road going north from Hyannis and wood-land formerly of Asa Young; Eastwardly by land formerly of said Young and others and Southwardly by wood-land formerly owned by Joshua Hopkins.

Being the premises conveyed to Barnstable Water Company by Deed of Herman P. Crocker dated May 23, 1912 and recorded with said Deeds in Book 424, Page 432.

TRACT IV

A parcel of land located in the Village of Hyannis in the Town of Barnstable Barnstable County, Massachusetts bounded and described as follows:

Beginning at the southeast corner of the premises at a concrete bound marked C & V, 1, situated on land belonging now or formerly to Barnstable Water Company, said bound being located a distance of approximately nine hundred and fifty (950) feet, measuring in a northerly direction, from a pile of stones located on the northerly shore of a body of water known as Lewis Pond and a distance of approximately twelve hundred forty (1240) feet, measuring in a southwesterly direction from a concrete bound located near the northerly shore of a body of water known as May Dunn Pond; thence running north 16 degrees east a distance of approximately one hundred (100) feet to a concrete bound marked C & V; thence running north 74 degrees west a distance of approximately one hundred (100) feet to a concrete bound marked C & V; thence running south 16 degrees west a distance of approximately one hundred (100) feet to a concrete bound marked C & V; thence running south 74 degrees east a distance of approximately one hundred (100) feet to the point of beginning. Said parcel being shown in red on a plan entitled "Plan of Land in Hyannis, Barnstable, owned by the Barnstable Water Company" made by George Clements C.E. February, 1927 a copy of said plan being recorded with Barnstable County Registry of Deed.

Being the premises conveyed to Barnstable Water Company by Deed of Cape & Vineyard Electric Company dated August 18, 1939 and recorded with said Deeds in Book 556, Page 165.

TRACT V

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Three parcels of land with the buildings thereon located in the village of Hyannis, Town and County of Barnstable, Commonwealth of Massachusetts, and more particularly bounded and described as follows:

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PARCEL I
On the NORTH by land now or formerly of Alton Hallett et al, 672.89 feet;
On the EAST by the Barnstable-Yarmouth Town Line, 114.15 feet;
On the SOUTH by land of Barnstable Water Company, 341.36 feet;
On the SOUTHWEST by other land of Barnstable Water Company by a right of way, 33.48 feet.

PARCEL II
On the NORTHEAST and NORTH by land of Barnstable Water Company768.74 feet;
On the EAST by the Barnstable-Yarmouth Town Line 280 feet more or less;
On the SOUTH by Parcel III hereinafter mentioned and land formerly of Timothy Baker and George O. Woodbury 792 feet more or less; again
On the EAST by Parcel III 65 feet more or less; and again
On the SOUTH by land now or formerly of Annie burke 88.50 feet; and
On the NORTHWEST by land of William A. Maher 432.79 feet.

PARCEL III
On the NORTH by Parcel ii hereinbefore conveyed, 282 feet more or less;
On the EAST by land formerly of George O. Woodbury 215 feet more or less;
On the SOUTH by land now or formerly of Richard Eldridge, and land of Annie Burke 260 feet more or less; and
On the WEST by land now or formerly of said burke and said Parcel II 197.23 feet more or less.

The parcels above described are shown and delineated as Parcels 1, 2 and 3 on a plan entitled "Plan of Land in Hyannis showing Parcels to be conveyed to Barnstable Water Co. April 1942. Scale 100 feet = 1 inch. Newell B. Snow, Eng'r Buzzards Bay, Mass." recorded with Barnstable County Registry of Deeds in Plan Book 67, Page 17.

Being the premises conveyed to Barnstable Water Company by Deed of William A. Maher dated May 4, 1942 and recorded with said Deeds in Book 591, Page 544.

TRACT VI

A certain parcel of land situated in Barnstable (Hyannis), Barnstable County, Massachusetts, bounded and described as follows:

Beginning at the Northwest corner of the granted premises at a cement bound at the Old Yarmouth Road and land now or formerly of Alton Hallett et al; thence running S 78° 12' 40" E six hundred one and 34/100 (601.34) feet by land now or formerly of said Alton Hallett et al to a cement bound at other land of Barnstable Water company;

Thence running South 33° 47' 05" West six hundred sixteen and 27/100 (616.27) feet to an iron pipe at registered land of Annie Burke;

Thence running North 77° 35' 25" West by land of said Burke and land now or formerly of the heirs of Edward Maher two hundred and seventy (270) feet more or less to a bound;

Thence running Northeasterly eighty (80) feet more or less to a bound;

Thence running Northwesterly three hundred twenty (320) feet more or less to a bound at the Yarmouthport Road so-called;

The last two courses being bounded by land now or formerly of Judah Crowell;

Thence running Northeasterly by said Yarmouthport Road so-called three hundred sixty (360) feet more or less to the Old Yarmouth Road;

Thence running Northeasterly by said Old Yarmouth Road one hundred forty-eight (148) feet more or less to a cement bound at the point of beginning.

Meaning and intending to convey all the land as shown on plan entitled "Plan of Land in Hyannis, Barnstable, Mass., as surveyed for Barnstable Water Company, Scale 1 inch = 60 ft., Feb. 17, 1944, Bearse & Kellogg, C.E., Centerville, Mass." recorded with said Deeds in Plan Book 69, Page 63.

Being the premises conveyed to Barnstable Water company by Deed of William A. Maher dated February 21, 1944 and recorded with said Deeds in Book 611, Page 101.

TRACT VII

A certain piece of land situated in that part of the Town of Barnstable called Hyannis, Barnstable County, Massachusetts, bounded and described as follows:

Beginning at the northerly corner of the premises at a stone bound n the Southerly side of the Yarmouth Road so called in range of land now or formerly of George silver;

Thence running in range of said Silver and parties unknown, as trees are marked South 63° 30' East twelve hundred twenty-five (1225) feet to a stake on the Yarmouth and Barnstable Town line;

Thence on said line South 22° 30' West four hundred (400) feet to a stake and stones;

Thence North 60° West by land formerly of Richard Eldredge, now or formerly of E.F. Maher, thirteen hundred sixty-four (1364) feet to the said Yarmouth Road;

Thence by said Road North 44° East four hundred twenty-seven (427) feet to the stone bound at the point of beginning.

N O T A N O F F I C I A L C O P Y

The above described parcel containing 1.94 acres more or less and being shown as Parcel B on plan hereinafter mentioned.

Also a piece of woodland situated on the opposite side of the road from the above described parcel, its Easterly line being continuous with the Easterly line of the parcel above described, bounded

N O T A N O F F I C I A L C O P Y

Southeasterly by said road, two hundred eighty-two (282) FEET;
Southwesterly by land of one Slavin fifty-three and 33/100 (53.33) feet;
Northwesterly by land of New York, New Haven & Hartford Railroad Company, two hundred eighty-two (282) feet; and
Northeasterly by land of James Snow, fifty-three and 15/100 (53.15) feet.

The above described parcel containing 14/100 of an acre more or less, and being shown as Parcel A on plan entitled "Plan of Land in Hyannis, Barnstable, Mass., as surveyed for the Barnstable Water Company, scale 1 inch = 80ft. July 28, 1945, Bearse & Kellogg, Civil Eng'rs, Centerville, Mass."

Being the premises conveyed to Barnstable Water Company by Deed of Mary Hallett Pedersen dated September 7, 1945 and recorded with said Deeds in Book 633, Page 304.

TRACT VIII

A certain parcel of woodland and pond situated in Barnstable (Hyannis), Barnstable County, Massachusetts, South of and off from the road between Hyannis and Centerville, bounded and described as follows:

WESTERLY by Lot 85B on Land Court Plan No. 11328D, one hundred five and 97/100 (105.97) feet;

NORTHERLY by other land of John Lamminen, about three hundred thirty-seven (337) feet;

SOUTHEASTERLY by land now or formerly of Ida Olsen about one hundred ninety-one and 65/100 (191.65) feet; and

SOUTHERLY by land of owners unknown (formerly David Scudder) two hundred thirty-five and 71/100 (235.71) feet.

Containing about 0.7 acres and being shown on a Plan entitled "Plan of Land in (Hyannis) Barnstable, Massachusetts, for Barnstable Water Company" dated February, 1959, Gerald A. Mercer & Co., Inc., Engineers" recorded with said Deeds in Plan Book 149, Page 17.

Being the premises conveyed to Barnstable Water Company by Deed of John Lamminen dated June 26, 1959 and recorded with said Deeds in Book 1045, Page 11.

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TRACT IX

A certain parcel of woodland and cranberry bog situated in Barnstable between the Villages of Hyannis and Centerville, Barnstable County, Massachusetts, bounded and described as follows:

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NORTHERLY by land now or formerly of Ida Olsen, one hundred twenty-nine and 31/100 (129.31) feet;

NORTHEASTERLY by the same, about one hundred forty-one (141) feet;

NORTHWESTERLY by Ben's Pond, about sixteen and 5/10 (16.5) feet;

SOUTHWESTERLY by land now or formerly of Ida Olsen, about one hundred forty-five (145) feet;

NORTHWESTERLY, WESTERLY, and again NORTHWESTERLY by the same by five lines measuring one hundred fifty-two (152) feet, ninety-six (96) feet, one hundred twenty (120) feet, ninety-nine (99) feet, and one hundred forty-six and 45/100 (146.45) feet, respectively;

SOUTHWESTERLY by land of Owners Unknown (formerly David Scudder), one hundred forty-two and 79/100 (142.79) feet;

SOUTHEASTERLY by land now or formerly of Myles and Elizabeth Frost Sydney, five hundred fifty-eight and 53/100 (558.53) feet; and

SOUTHEASTERLY and EASTERLY by land now or formerly of Ida Olsen by three lines measuring one hundred thirty-one and 46/100 (131.46) feet, one hundred forty-two (142) feet, and one hundred thirty-five (135) feet, respectively.

Containing about 4.5 acres, or however otherwise the granted may be bounded, measured or described, and being shown on a Plan entitled "Plan of Land in (Hyannis) Barnstable, Massachusetts, for Barnstable Water Company" dated February, 1959, Gerald A. Mercer & Co., Inc., Engineers" recorded with said Deeds in Plan Book 149, Page 17.

Being the premises conveyed to Barnstable Water Company by Deed of Stanley R. Doane and Iona F. Doane dated June 15, 1959 and recorded with said Deeds in Book 1046, Page 309.

TRACT X

A certain parcel of woodland and pond situated in said Barnstable (Hyannis), Barnstable County, Massachusetts, south of and off from the road between Hyannis and Centerville, bounded and described as follows:

Beginning at a 20" pine at the Southeasterly corner of land shown on the plan hereinafter referred to as of John V. Ammimen, thence running

North 41° 23' 20" East, three hundred sixty-nine and 12/100 (369.12) feet to a point in Ben's Pond as shown on said plan; thence turning and running;

South 43° 2' 20" East by land shown on said plan as of Ida Olsen, about five hundred one (501) feet to a point; thence running

North 88° 20" West, seventy and 75/100 (70.75) feet, and

North 43° 2' 20" West, about one hundred forty-one (141) feet by land shown on said plan as Doane, thence turning and running

Southwesterly by Ben's Pond about sixteen and 5/10 (16.5) feet; thence turning and running

South 43° 2' 20" East, about one hundred forty-five (145) feet,

South 47° 27' 40" West, one hundred fifty-two (152) feet;

South 51° 27' 40" West ninety-six (96) feet,

South 37° 57' 40" West, one hundred twenty (120) feet,

South 3° 47' 20" E, ninety-nine (99) feet, and

South 51° 12' 20" West, one hundred forty-six and 45/100 (146.45) feet by land of said Doane, to a large pine at land shown on said plan as Owners Unknown, formerly David Scudder; thence turning and running

North 16° 11' 50" West, three hundred ninety-three and 96/100 (393.96) feet, and

North 8° 21' 40" West, one hundred sixty-nine (169) feet by said Scudder land to the point of beginning.

Containing about 3.3 acres of upland about 1.8 acres of pond and being shown on a plan entitled "Plan 'B' of land in (Hyannis) Barnstable, mass., for Barnstable Water Co." dated June, 1960, by Gerald A. Mercer & co., Inc., Engineers" recorded with said Deeds in Plan Book 157, Page 5.

Being the premises conveyed to Barnstable Water Company by Deed of Andrew E. Olsen and Lillian Olsen dated October 5, 1960 and recorded with said Deeds in Book 1092, Page 405.

TRACT XI

A certain parcel of land situated in Barnstable (Cummaquid), Barnstable County, Massachusetts, bounded and described as follows:

WESTERLY by land of the Barnstable Water Company as shown on hereinafter mentioned plan, five hundred sixty-eight and 36/100 (368.36) feet;

NORTHERLY by other land of the grantors, being shown as Lot 4 on said plan, five hundred twenty and 38/100 (520.38) feet;

EASTERLY by land of Irving B. Freeman as shown on said plan, five hundred twenty-six and 62/100 (526.62) feet;

SOUTHERLY by State Highway Route 6 as shown on said plan by two courses, two hundred fifty-seven and 73/100 (257.73) and two hundred seventy-six and 78/100 (276.78) feet.

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Being Lot 3 containing 6.60 acres, as shown on plan entitled "Plan of Land in Barnstable, (Cummaquid) Massachusetts for William P. Swift et ux March 14, 1979 Scale in Feet 1" = 100' Edward E. Kelley Reg. Land Surveyor Cummaquid, Mass.," which plan is recorded in Barnstable County Registry of Deeds in Plan book 334, Page 4.

Being the premises conveyed to Barnstable Water Company by Deed of William P. Swift and Harriet J. Swift dated June 14, 1979 and recorded with said Deeds in Book 2933, Page 278.

TRACT XII

The following parcels of land in Hyannis in the Town of Barnstable shown on the plan entitled "Plan of Land in Barnstable, Mass. for Barnstable Water Company, Scale 1" = 200', January 1980, C-169-1 Cape Cod Survey Consultants, Route 132, Hyannis, Mass." said plan is in two sheets and recorded with said deeds in Plan Book 340, Pages 26 and 27:

a) Parcel shown as #2 containing 9.44 acres more or less including so much of the bed of Israel Pond as lies within said parcel but excluding so much of said parcel as is included within the limits of land belonging to the Town of Barnstable (a Cobb Lot so-called) shown on said plan.
b) Parcel shown as #3 containing 4.15 acres more or less on said Plan.
c) Parcel shown as #4 containing 2.74 acres more or less on said Plan.

Being the premises conveyed to Barnstable Water Company by Deed of Barnstable Housing Authority and Independence Park, Inc., dated February 14, 1980 and recorded with said Deeds in Book 3060, Page 34.

TRACT XIII

That certain tract or parcel of land situated on the westerly side of Pawnee Court, in the Town of Barnstable, Barnstable County in the Commonwealth of Massachusetts, shown as Lot 1 on a plan entitled "Plan of Land in Barnstable (Hyannis) Mass. prepared for the Barnstable Water co." by Cape Cod Survey Consultants dated May 21, 1982, recorded with Barnstable County Registry of

Deeds in Plan Book 366, Page 37 and bounded and described as follows all as shown on said plan:

Beginning at a point in the westerly line of Pawnee Court, which said point is the terminus of Pawnee Court, said point being on the division line of land now or lately of Katherine Groves and Miles Sydney; thence running N 09°04'42" W bounding easterly on Pawnee Court a distance of four hundred seventeen and 98/100 (417.98) feet to the beginning of a curve; thence turning and running northerly, northwesterly and westerly along the arc of a curve having a radius of nineteen and 88/100 (19.88) feet, a distance of thirty-one and 34/100 (31.34) feet to the point of tangency and the southerly line of Sydney Drive; thence running S 80°33'40" W bounding northerly on Sydney Drive a distance of thirty-three and 05/100 (33.05) feet to the westerly line of whip-O-Will Drive; thence running N 16°58'42" W and bounding easterly on Whip-O-Will Drive a distance of sixty-three and 17/100 (63.17) feet to land of Miles Sydney; thence turning and running N 53°17'45" W bounding northeasterly on remaining land of Miles Sydney, Echo Road and remaining land of Miles Sydney a distance of five hundred twenty and 54/100 (520.54) feet to land now or lately of Barnstable Water Co.; thence running N 57°11'39" W bounding northerly on last named land a distance of five hundred fifty-eight and 40/100 (558.40) feet to land now or lately of Richard Watson; thence turning and running S 10°10'44" E bounding westerly in part on lands of Richard Watson, Robert Connolly, Alexander Daunys, John Carden, Emma Buono, a future Road and land now or formerly of Charles Warren a distance of five hundred sixty-six and 76/100 (566.76) feet to land now or lately of Katherine Groves; thence turning and running N 58°32'48" E bounding southerly on last named land a distance of four hundred eighteen and 83/100 (418.83) feet to a cement bound; thence turning and running S 12°22'47" E bounding westerly on last named land a distance of two hundred forty-one and 70/100 (241.70) feet to a cement bound; thence turning and running N 80°56'50" E bounding southerly on last named land a distance of three hundred eighty-eight and 18/100 (388.18) feet to a point; thence running N 80°32'38" E bounding southerly on last named land a distance of one hundred thirty-five and 66/100 (135.66) feet to Pawnee Court and the point and place of beginning.

Being the premises conveyed to Barnstable Water Company by Deed of Miles Sydney and Elizabeth Frost Sydney, dated August 16, 1982 and recorded with said Deeds in Book 3538, Page 46.

TRACT XIV

A certain parcel of land with the structures thereon situate in the Hyannisport section of the Town of Barnstable, Barnstable County, Massachusetts, being the premises shown as Parcel A on a plan entitled "Plan of Land in Barnstable, Mass. (Hyannisport) prepared for Barnstable Water Company" by Cape Cod Survey Consultants dated March 25, 1983 and recorded with said Deeds in Plan Book 374, Page 76, and being more particularly bounded and described according to said plan as follows:

SOUTHERLY by Smith Street, about 327 feet;
NORTHWESTERLY by land now or formerly of Bettinia Jones and by land now or formerly of Sharn Clark, 133.20 feet;

WESTERLY by land now or formerly of Sharn Clark 98.78 feet;
NORTHERLY by land formerly of Katharine L. Groves about 479 feet; and
SOUTHEASTERLY by Simmons Pond about 95 feet and by a brook about 267 feet.

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Being the premises conveyed to Barnstable Water Company by Deed of Robert L. Groves and Malcolm F. Groves, dated June 17, 1983 and recorded with said Deeds in Book 3792, Page 310 and by Deed of Robert Lombard Groves, Executor under the Will of Katharine L. Groves, dated June 17, 1983 and recorded in Book 3792, Page 340.

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TRACT XV

The land in Barnstable, Hyannis Port (West), Barnstable County, Massachusetts bounded and described as follows:

Parcel 1 – A parcel of land in Barnstable shown as Lot 8 and containing 25,767 square feet, more or less, on a plan entitled "Plan of Land, Old Schoolhouse Road, Barnstable, Barnstable County, Massachusetts, Subdivision Plan, Scale 1" = 40', dated August 9, 1972, Yunits Engineering Company, Inc., Consulting Engineers, 11 Technical Park Drive, Holdbrook, Massachusetts, 02343," which plan is recorded at the Barnstable County Registry of Deeds in Plan Book 261, Page 54, for which property is shown thereon as Lot 8.

Parcel 2 – A parcel of land in Barnstable bounded and described as follows:

Beginning at the northwesterly corner of the granted premises on a proposed street at Lot No. 8 as shown on hereinafter mentioned plan; thence running Easterly by said Lot No. 8 one hundred (100) feet to land now or formerly of Willard Welsh Realty Co.; thence running Southerly by land of said Willard Welsh Realty Co., one hundred eighty-nine (189) feet on Lot No. 11as shown on said plan; thence running Westerly by said Lot 11 as shown on said plan, one hundred fifty-two (152) feet, more or less, to the proposed road; thence running Northerly by said road, one hundred forty-seven (147) feet, more or less to Lot No. 8, it being the point of beginning.

Said premises being shown as Lots 9 and 10 on a plan entitled "Subdivision of Land at 'West Hyannisport', Barnstable, Mass., for Ruth & Sharn Clark, Scale – 1in. = 60ft., October, 1937 Nelson Bearse, Civil Engineer", recorded with said Deeds in Plan Book 173, Page 43.

Parcel 3 – A parcel of land in Barnstable, bounded and described as follows:

On the west by the old road leading to the Northeast Meeting House and now called the "Straight Way", on the north by and old road leading from Hall's Farm to Joshua's Brook and called the Old Schoolhouse Road, on the east by land now or formerly of Henry w. Hunt, and on the south by land now or formerly of Lucius K. Paine

The captioned parcels 1, 2 and 3 are shown on a plan entitled "Plan of Land Showing Easement and Land to Be Conveyed to Barnstable Water Co. in Barnstable, Mass. 9Hyannisport) for Barnstable Water Company Scale 1" = 40' Dated April 30, 1984" and recorded with said Deeds

in Plan Book 387, Page 52, and said land is shown thereon as "Lot 8 Plan Book 261, Page 54 and Lots 9, 10 & 11 Plan Book 173, Page 143".

Being the premises conveyed to Barnstable Water Company by Deed of Ruth B. Clark dated September 13, 1984 and recorded in Book 4247, Page 344.

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TRACT XVI

The land in Barnstable (Hyannis), Barnstable County, Massachusetts described as follows:

Being Lot 3, containing 21,583 square feet and being shown on plan entitled "Plan of Land in Barnstable, MA. (Hyannis) Prepared for: Barnstable Water Company The BSC Group – Cape Cod, Inc. September 12, 1988" which said plan is recorded with said Deeds in Plan Book 453, Page 83.

Being the premises conveyed to Barnstable Water Company by Deed of Toivo A. Lamminen, Sr. and Toivo A. Lamminen, Jr., dated September 16, 1983 and recorded with said Deeds in Book 6460, Page 62 and Deed of Nancy L. McClure, Janice A. Fitzgerald and Linda J. Homsey dated July 26, 1989 and recorded in Book 6846, Page 318.

TRACT XVII

The land in Barnstable (Hyannis), Barnstable County, Massachusetts described as follows:

Being Lot 1 and Lot 2 containing in the aggregate 2.14± acres and being shown on plan entitled "Plan of Land in Barnstable, MA. (Hyannis) Prepared for: Barnstable Water Company The BSC Group – Cape Cod, Inc. September 12, 1988" which said plan is recorded with said Deeds in Plan Book 453, Page 83.

Being the premises conveyed to Barnstable Water Company by Deed of Toivo A. Lamminen, Jr. and Joan Lamminen, dated September 16, 1983 and recorded with said Deeds in Book 6460, Page 64.

TRACT XVIII

The land in Barnstable (Hyannis), Barnstable County, Massachusetts described as follows:

Being Lot 4 shown on plan entitled "Plan of Land in Barnstable, MA. (Hyannis) Prepared for: Barnstable Water Company The BSC Group – Cape Cod, Inc. September 12, 1988" which said plan is recorded with said Deeds in Plan Book 453, Page 83.

Being the premises conveyed to Barnstable Water Company by Deed of Toivo A. Lamminen, Sr. and Nancy L. McClure dated March 31, 1990 and recorded in Book 7304, Page 19.

TRACT XIX

That certain parcel of land situated in Barnstable (Hyannisport), Barnstable County, Massachusetts, bounded and described as follows:

NORTHEASTERLY: by Smith Street, Seventy-four (74) feet, more or less;

SOUTHEASTERLY: by Lot 23, by two courses measuring one hundred thirty and 00/100 (130.00) feet;

SOUTHWESTERLY: by Lot 12, fifty-nine (59) feet, more or less;

NORTHWESTERLY: by a brook, one hundred seventeen (117) feet more or less.

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Being shown as Lot 24 on a plan entitled "Glen Haven Village, Hyannisport, Mass., Scale 1in.= 40 ft., Mar., 1949, Fred a. Joyce, surveyor, Belmont, Mass." which said plan is duly filed in Barnstable County Registry of Deeds in Plan Book 86, Page 127.

Being the premises conveyed to Barnstable Water Company by Deed of Gordon Atamian dated March 15, 1996 and recorded with said Deeds in Book 10103, Page 288.

TRACT XX

The land with the structures thereon situate in the Hyannisport section of the Town of Barnstable, Barnstable County, Massachusetts as follows:

Lot 4 as shown on Land Court Plan ~~3648B~~ 36483-B, being a plan by Cape Cod Survey Consultants dated March 25, 1983 and being more particularly bounded and described according to said plan as follows:

WESTERLY, SOUTHERLY and EASTERLY by Simmons Pond;

SOUTHERLY by land formerly of Laurence m. Lombard and Katharine L. Groves, being Tract XI described herein, about 479 feet;

WESTERLY by land now or formerly of Sharn Clark, by land now or formerly of Margera Realty Co., Inc., by land now or formerly of Steven Sheaffer, by land now or formerly of William H. Yetman, by land now or formerly of Franklin C. Lamb, 3rd, by land now or formerly of Joseph H.R. Burque and by Old School House Road 1079.85 feet;

NORTHWESTERLY by other land of Barnstable Water Company, 418.98 feet;

EASTERLY by other land of Barnstable Water Company, 241.77 feet;

NORTHERLY by other land of Barnstable Water Company, 523.93 feet; and

SOUTHEASTERLY by other land formerly of Katharine L. Groves, about 462 feet.

Including and together with soil of Simmons Pond.

Being a portion of the premises conveyed to Barnstable Water Company by Deed of Robert Lombard Groves, Executor under the will of Katharine L. Groves, dated June 17, 1983 and filed with the Barnstable Registry District of the Land Court as Document No. 314470, Certificate of Title No. 92587.

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TRACT XXI

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A certain parcel of land in Barnstable, Barnstable County, Massachusetts, bounded and described as follows:

NORTHERLY: by Lot 83, one hundred ten (110) feet;

EASTERLY: by land now or formerly of Nelson Bearse, one hundred thirty-four and 83/100 (134.83) feet;

SOUTHERLY by Lot 85A, sixty (60) feet; and

SOUTHWESTERLY: by a Town Way as shown on the Plan hereinafter mentioned.

Being shown on Land Court Subdivision Plan No. 11328D, dated October 25, 1943 and filed with Certificate of Title No. 6745 in Book 39, Page 35 Registry District of Barnstable County, as Lot 85B.

Being the premises conveyed to Barnstable Water Company by Deed of Dorothy Ferebee dated June 22, 1959 and filed with said Registry District as Document No. 60745, Certificate of Title No. 23633.

EXCEPTING from the above described land, the land conveyed by conveyed by Barnstable Water Company by the following deeds:

Deed to Cape and Vineyard Electric Company dated October 1, 1931 and recorded with said Deeds in Book 485, Page 141;

Deed to Centerville-Osterville fire district dated December 28, 1938 and recorded in Book 547, Page 275;

Deed to William P. Swift and Harriett J. Swift dated June 14, 1979 and recorded in Book 2933, Page 275;

Confirmatory Deed to Barnstable Housing Authority, a/k/a The Housing Authority of the Town of Barnstable, dated February 14, 1980 and recorded in Book 3060, Page 26; and

Deed to Barlaco, Inc. by Deed dated December 26, 1990 and recorded with said Deeds in Book 7395, Page 70.

ALSO EXCEPTING from the above described land, the land taken in fee simple by the following takings:

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Taking for public airport by the Town of Barnstable dated March 27, 1941 and recorded in Book 577, Page 99;

Layout No. 554 and Order of Taking for the relocation of State Highway Route 6 by the Commonwealth of Massachusetts Department of Public Works dated February 23, 1966 and recorded in Book 1329, Page 1070; and

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Taking for Barnstable Research Park by the Barnstable Housing Authority dated August 8, 1971 and recorded in Book 1525, Page 487.

A. OLD BUSINESS (PUBLIC HEARING MAY BE ACTED UPON) (ROLL CALL 2/3)

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BARNSTABLE TOWN COUNCIL

2005-074 TRANSFER, APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF $11,000,000.00 FOR THE PURPOSE OF ACQUIRING THE STATUTORY FRANCHISE AND PROPERTY OF THE BARNSTABLE WATER COMPANY AND THE REAL PROPERTY OF BARLACO, INC.
INTRO.: 03/17/05; 03/31/05

WHEREAS, the Town of Barnstable was given a statutory right to purchase the franchise and property of the Barnstable Water Company pursuant to Section 12 of Chapter 286 of the Acts of 1911; and

WHEREAS, Barnstable Water Company and its Parent, Connecticut Water Service, Inc., together with Barnstable Holding Company and Barlaco, Inc., wish to sell to the Town of Barnstable upon payment of $8,475,000.00 and debt assumption of $1,525,000.00 for a total of $10,000,000.00, substantially all of the rights, assets and liabilities which now comprise the water production and distribution system owned by Barnstable Water Company, now by Connecticut Water, and $1,000,000.00 for the surrounding land owned by Barlaco; and

WHEREAS, the Town of Barnstable appropriated the sum of $1,000,000.00 for open space acquisition on May 14, 1998 pursuant to item number 1998-098 with a remaining balance of $747,615.00;

IT IS HEREBY ORDERED, that the Town Council authorizes the Town Manager to purchase pursuant to statute, take by eminent domain pursuant to chapter 79 of the General Laws, or otherwise acquire, all of said land and rights, assets and assumed liabilities for the operation and protection of the water supply system; appropriates the sum of TEN MILLION AND AND NO/100 ($10,000,000.00) Dollars; applies the sum of SEVEN HUNDRED FORTY-SEVEN THOUSAND SIX HUNDRED FIFTEEN AND NO/100 ($747,615.00) Dollars from the amount appropriated under said item number 1998-098; and transfers the sum of TWO HUNDRED FIFTY-TWO THOUSAND THREE HUNDRED EIGHTY-FIVE and NO/100 ($252,385.00) Dollars from mitigation funds for acquisition of said land, assets, liabilities and related costs; authorizes the Town Manager to contract for and expend said appropriation for such purposes and accept any gifts or grants in relation thereto; and to meet this appropriation, the Town Treasurer, with the approval of the Town Manager, is authorized to borrow the sum of TEN MILLION AND NO/100 ($10,000,000.00) Dollars for said acquisitions or taking and related costs.

SPONSOR: Town Manager John C. Klimm

DATE	**ACTION TAKEN**
3/31/05	13 Yes Roll Call vote

BARNSTABLE COUNTY
REGISTRY OF DEEDS
A TRUE COPY, ATTEST
JOHN F. MEADE, REGISTER

SEAL OF THE TOWN OF BARNSTABLE 1639
A TRUE COPY ATTEST
Town Clerk
BARNSTABLE