Format to use for COVENANT for SUBDIVISION

Please use this wording to submit to the Planning Board for review by Town Counsel and endorsement by the Planning Board.

“This covenant is entered into between the Planning Board of the Town of Littleton (in this Agreement referred to as “the Board”) and (OWNER AND ADDRESSES HERE) (in this Agreement referred to as “Owner”). The Owner has filed a Definitive Plan of the proposed subdivision of land on a plan entitled: “(TITLE OF DEFINITIVE PLAN HERE WITH ENGINEER, DATE AND REVISION DATES)”, which Plan is recorded with Middlesex South District Registry of Deeds, herewith; and the Board has approved said subdivision Plan with respect to lots (LOT NUMBERS ENUMERATED), subject to this agreement with the Owner to be recorded with said Plan.

In consideration of such approval, the Owner hereby agrees with the Board:

1. That the streets, sidewalks, curbs, surface water drainage system, street bounds, street signs and the other subdivision improvements required by the Planning Board regulations will be installed in accordance with the plans and profiles on file with the Board, such work to be completed within two (2) years from the date hereof; or an extension of time shall be requested.

2. Nothing herein will be deemed to prohibit conveyance by a single deed subject to this Covenant of the entire parcel of land shown on the Subdivision Plan. This provision does not authorize the conveyance of any portion of the parcel shown on the subdivision plan.

3. That until the foregoing work is accomplished as aforesaid, no building permit shall be applied for and no building shall be built or placed on any of the lots shown on said plan nor shall any of said lots be transferred or conveyed until said work is completed as aforesaid.

4. No lots pursuant to General Laws Chapter 41, Section 81P shall be applied for or permitted until this covenant is released.

5. That this covenant shall run with the land and shall be binding upon the heirs, successors, administrators and assigns of the Owner.

6. No lot shall be sold or conveyed and no building shall be commenced or placed on any lot unless and until a release of these covenants executed by a majority of the members of the Planning Board has been duly recorded with Middlesex South
Registry of Deeds, and a bond has been posted for the completion of the subdivision.

7. This Covenant shall not affect the use of any existing dwelling and accessory structures, nor shall this Covenant affect or prohibit the conveyance or mortgaging of the entire premises. The Owner warrants and represents to said Board that it is the Owner of record of the land shown on the above-mentioned plan and that the representatives of the Owner, if any, is duly authorized to execute this covenant.

8. Covenantor represents and covenants that the undersigned is the owner in fee simple of all the land included in this Subdivision and that there are no mortgages of record or otherwise on any of said land, other than as set forth below.

EXECUTED AND SEALED, this _______day of __________, 2009.

Signature block space for Applicant, Planning Board of the Town of Littleton (5 members), owners, and mortgagor (if any).

THE COMMONWEALTH OF MASSACHUSETTS)
County of Middlesex) S.S.

On this _________ day of ________, 2009 before me, the undersigned notary public, personally appeared _____________________, one of the above-named members of the Planning Board for the Town of Littleton proved to me through satisfactory evidence of identification, which was □photographic identification with signature issued by a federal or state governmental agency, □oath or affirmation of a credible witness who is personally known to me and who has stated to me that he/she is unaffected by the document or transaction and that he/she knows the person whose name is signed on the preceding document, □personal knowledge of the undersigned, to be the person whose name is signed on this document, and acknowledged to me that he/she signed it voluntarily for its stated purpose and that it was his/her free act and deed as one of the above-named members of the Planning Board for the Town of Littleton.

____________________________________
Notary Public

Print Name of Notary: ___________________ My commission expires: __________________