

919.1 668

69 RE#
5/29/79 10.39 TM

Whereas Boston Sand & Gravel Company, a Massachusetts corporation (hereinafter called the Company), having its principal address at 150 Causeway Street, Boston, Massachusetts, owns a parcel of land in the Charlestown District of Boston, Suffolk County and in Cambridge, Middlesex County, shown as Parcel B on the Plan hereinafter referred to, and owns a nearby parcel, wholly in said Cambridge, shown as Parcel A on said Plan;

Whereas said Plan is by Schoenfeld Assoc. Inc. dated March 9, 1976, entitled "Plan Relocated Access Road Charlestown, Mass.", and is to be recorded herewith;

Whereas said Plan shows three connecting strips of land entitled "Easement For Access Road And For Access Into Plant", "Easement for Existing Access Road" and "Easement For Reloc. Access Road" (hereinafter collectively called the Access Road), extending in said Boston and Cambridge from Parcel B to Sandgrav Road and to Warren Avenue;

Whereas the Company has acquired and is acquiring sundry rights and easements in the Access Road, as appurtenant to Parcels A and B;

Whereas Metropolitan District Commission (hereinafter referred to as the Commission) has taken or otherwise acquired, in behalf of the Commonwealth of Massachusetts, sundry easements affecting the Access Road; and

Whereas consent by the Commission may be required in connection with the exercise by the Company of its rights

EXHIBIT E

in the Access Road, on account of said easements taken or otherwise acquired by the Commission in behalf of the Commonwealth.

Whereas, the consent herein granted by the Commission in no way interferes with any presently existing right and easement of the Commonwealth of Massachusetts to construct, inspect, repair, renew, replace, operate and forever maintain a sewer force main with its covered conduits, pipes, and drains for surface water drainage and sewerage overflow, with their proper manholes, walls, culverts and other appurtenances wherever any such easement may pass in, through and under the Access Road. Further, this document does not absolve the Company from liability for acts of negligence of the Company in causing damage to said sewer force main and its aforementioned appurtenances.

Now Therefore, the Commission, in behalf of the Commonwealth, hereby consents to use of the Access Road by the Company and those claiming under it, for all purposes for which public ways are now and may in the future be used in the City of Boston, including but not limited to the right to pass and repass on foot and by vehicle over the full width and length of the Access Road, the right to install, use, maintain, repair and replace utilities over and under the full width and length of the Access Road and the right to construct, pave, maintain, repair and replace a way on the full width and length of the Access Road.

9194 670

Witness the execution hereof as a sealed instrument
this 11th day of May, 1978.

Commonwealth of Massachusetts
By Metropolitan District
Commission

John F. Snedeker
Commissioner

Miriam D. Horgan
Associate Commissioner

Conita B. Banks
Associate Commissioner

Frank P. [unclear]
Associate Commissioner

[unclear]
Associate Commissioner

COMMONWEALTH OF MASSACHUSETTS

Suffolk, ss.

May 11, 1978

Then personally appeared the above-named JOHN F. SNEDEKER,
Commissioner as aforesaid, and acknowledged the foregoing
instrument to be his free act and deed, the free act and deed
of Metropolitan District Commission and the free act and deed
of the Commonwealth of Massachusetts, before me

[Signature]
Notary Public

My commission expires February 13, 1981