

1165R Massachusetts Avenue
Ch. 40B ZBA Submission

Section 3.2.4 Evidence of Site Control

Please see the enclosed letter to Jessica Malcolm of MassHousing, dated June 26, 2020. This letter demonstrates control of the project site and the future land contribution by Joint Venture agreement.

Arlington Center Garage and Service Corporation

June 26, 2020

Jessica Malcolm
Acting Manager of Comprehensive Permit Programs
MassHousing
One Beacon Street
Boston, MA 02108

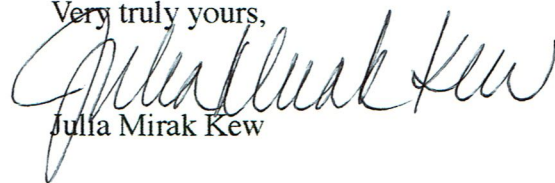
Re: 1165R Massachusetts Avenue, Arlington, MA

Dear Ms. Malcolm:

On behalf of Arlington Center Garage and Service Corporation, owner of 1165R Massachusetts Avenue, Arlington, MA ("Arlington Center"), this letter certifies that the joint venture agreement forming 1165R Mass MA Property LLC gives it authority to file and take action on the Site Approval / Project Eligibility Application filed pursuant to 769 CMR 56.04 for the above-referenced property.

1165R Mass MA Property LLC is a Joint Venture of Mirak Mill LLC (an affiliate of Arlington Center) and 1165R Mass MA Partners LLC whereby Arlington Center will be contributing the land on behalf of Mirak Mill LLC. Both Mirak Mill LLC and Arlington Center are signatories to the joint venture agreement with 1165R MA Partners LLC.

Very truly yours,



Julia Mirak Kew

Southern Middlesex - 20/20 Perfect Vision i2 Document Detail Report

Current datetime: 12/5/2019 4:16:17 PM

Doc#	Document Type	Town	Book/Page	File Date	Consideration
12342363	DEED		12342/661	12/07/1972	475750.00
Property-Street Address and/or Description					
SEE RECORD					
Grantors					
GLADSTONE WILLIAM, SCHWAMB CORP					
Grantees					
ARLINGTON CENTER GARAGE & SERVICE CORP					
References-Book/Pg Description Recorded Year					
Registered Land Certificate(s)-Cert# Book/Pg					

1075-24
1883-1075

1075-24

William Gladstone, Receiver of The Schwamb Corporation, in Proceedings for an Arrangement in U.S.D.C. for District of Massachusetts, No. 72-354,

of County, Massachusetts

being unmarried, for consideration paid, and in full consideration of Four hundred Seventy-five thousand seven hundred and fifty (\$475,750.00) dollars grants to Arlington Center Garage & Service Corp., a Massachusetts Corporation with a usual place of business at 430 Massachusetts Avenue, Arlington with quitclaim covenants

the land in

(Description and encumbrances, if any)

The land in Arlington (Middlesex County) Massachusetts, described in the following deeds:

- Deed from Edwin S. Farmer to The Theodore Schwamb Company dated May 20, 1903 and recorded with Middlesex South District Deeds, Book 3041, Page 508;
- Deed from Edwin S. Farmer to The Theodore Schwamb Company dated December 7, 1911, and recorded with said deeds Book 3657, Page 284;
- Deed from Walter H. Pierce and Clara S. Pierce, his wife, to The Theodore Schwamb Company dated March 31, 1913 and recorded with said deeds Book 3776, Page 491;
- Deed from Walter H. Peirce and Clara S. Peirce, his wife, to the Theodore Schwamb Company dated July 27, 1922 and recorded with said deeds Book 4539, Page 78;
- Deed from Abbie F. Farmer to The Theodore Schwamb Company dated June 11, 1923 and recorded with said deeds Book 4624, Page 488.

There is excluded from the above conveyance the land described in the following deeds:

- Deed from The Theodore Schwamb Company to Clara S. Peirce dated August 8, 1922 and recorded with said deeds Book 4571, Page 583;
- Deed from The Theodore Schwamb Company to Layne - New York Co., Inc. dated January 7, 1946 and recorded with said deeds in Book 6941, Page 318;
- Deed from The Theodore Schwamb Company to Ernest W. Larson et al, dated October 16, 1950 and recorded with said deeds Book 7656, Page 72.

Meaning and intending to convey and hereby conveying all the premises owned by The Schwamb Corporation in the rear of Forest Street, and Massachusetts Avenue in said Arlington whether or not specifically described in the first five deeds above referred to.

Said premises are conveyed subject to easements of record as they now apply to the above conveyed premises insofar as the same are in force.

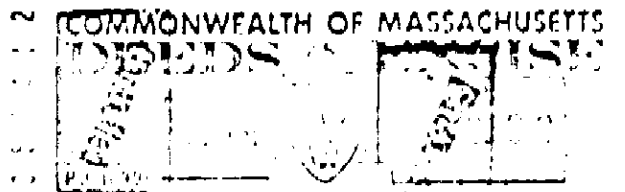
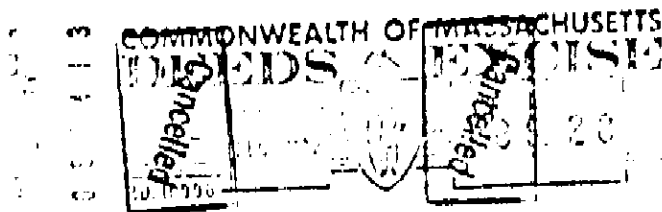
The grantor hereby also conveys all buildings, structures and improvements now on the aforesaid land and the fixtures belonging to the Schwamb Corporation and used in connection therewith including, if any, furnaces, heaters, heating equipment, oil and gas burners and fixtures appurtenant thereto, hot water heaters, plumbing and bathroom fixtures, electric and other lighting fixtures, fences, gates and ventilators.

(*Individual — Joint Tenants — Tenants in Common — Tenants by the Entirety.)

Witness my hand and seal this 5 day of ..December 1972..

William F. Gladstone

Receives



The Commonwealth of Massachusetts

Middlesex

ss.

December 5,

1972.

Then personally appeared the above named

William Gladstone

and acknowledged the foregoing instrument to be

his free act and deed, before me

Carroll F. Kent

Notary Public — Justice of the Peace

My Commission Expires

July 14

1978

CHAPTER 183 SEC. 6 AS AMENDED BY CHAPTER 497 OF 1969

Every deed presented for record shall contain or have endorsed upon it the full name, residence and post office address of the grantee and a recital of the amount of the full consideration thereof in dollars or the nature of the other consideration therefor, if not delivered for a specific monetary sum. The full consideration shall mean the total price for the conveyance without deduction for any liens or encumbrances assumed by the grantee or remaining thereon. All such endorsements and recitals shall be recorded as part of the deed. Failure to comply with this section shall not affect the validity of any deed. No register of deeds shall accept a deed for recording unless it is in compliance with the requirements of this section.

Southern Middlesex - 20/20 Perfect Vision i2 Document Detail Report

Current datetime: 12/5/2019 4:16:18 PM

Doc#	Document Type	Town	Book/Page	File Date	Consideration
60139640	CONFDEED		12785/422	04/25/1975	475750.00
Property-Street Address and/or Description					
REAR OF FOREST ST					
Grantors					
GLADSTONE WILLIAM, SCHWAMB CORP					
Grantees					
ARLINGTON CENTER GARAGE AND SERVICE CORP					
References-Book/Pg Description Recorded Year					
22249/157 ORD 1992, 24728/37 ORD 1994, 33968/224 ORD 2001, 50215/176 LEASE 2007					
Registered Land Certificate(s)-Cert# Book/Pg					

APR 25-75 AM 10:50 0888E**1075

BK 12785 PG 422

9/0.75 MASSACHUSETTS QUITCLAIM DEED INDIVIDUAL (LONG FORM) 887
CONFIRMATORY DEED

William Gladstone, Receiver of The Schwamb Corporation, in Proceedings for an Arrangement in U.S.D.C. for District of Massachusetts, No. 72-354,

County, Massachusetts

being unmarried, for consideration paid, and in full consideration of Four-Hundred Seventy-Five Thousand Seven-Hundred- and Fifty (\$475,750.00) Dollars grants to Arlington Center Garage and Service Corporation, a Massachusetts Corporation with a usual place of business at 430 Massachusetts Avenue, Arlington with quitclaim covenants

the land in

(Description and encumbrances, if any)

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- Deed from The Theodore Schwamb Company to Ernest W. Larson et al, dated October 16, 1950 and recorded with said deeds Book 7656, Page 72.

Meaning and intending to convey and hereby conveying all the premises owned by The Schwamb Corporation in the rear of Forest Street and Massachusetts Avenue in said Arlington whether or not specifically described in the first five deeds above referred to.

Said premises are conveyed subject to easements of record as they now apply to the above conveyed premises insofar as the same are in force.

The grantor hereby also conveys all buildings, structures and improvements now on the aforesaid land and the fixtures belonging to the Schwamb Corporation and used in connection therewith including, if any, furnaces, heaters, heating equipment, oil and gas burners and fixtures appurtenant thereto, hot water heaters, plumbing and bathroom fixtures, electric and other lighting fixtures, fences, gates and ventilators.

This Deed is given in confirmation of a Deed dated and recorded in Middlesex South District Registry of Deeds in Book 12342 at Page 659

MARGINAL REFERENCE REQUESTED
BOOK 12342 PAGE 659

(*Individual — Joint Tenants — Tenants in Common — Tenants by the Entirety.)

Witness...my..... hand and seal this day of February, 19..75.

William Gladstone Receiver
William Gladstone, Receiver

The Commonwealth of Massachusetts

Suffolk

ss.

February 11 1975

Then personally appeared the above named William Gladstone

and acknowledged the foregoing instrument to be his free act and deed, before me

Milton L. Crain
Notary Public — Justice of the Peace

My Commission Expires *September 2 77* 19



CHAPTER 183 SEC. 6 AS AMENDED BY CHAPTER 697 OF 1969

Every deed presented for record shall contain or have embodied upon it the full name, residence and post office address of the grantee and a recital of the amount of the full consideration therefor in dollars or the nature of the other consideration therefor and may also be followed by a specific monetary sum. The full consideration shall be the total price for the conveyance without deduction for any taxes or other charges assumed by the grantee or retained by the grantor. All such conveyances and recitals shall be recorded as part of the deed. Nothing in this section shall affect the validity of any deed recorded before the effective date of this section.

fz



Bk: 72212 Pg: 544 Doc: DEED
Page: 1 of 2 02/08/2019 01:13 PM

Vacant Lot 8D adjacent to Mill Brook Conduit in Arlington, Massachusetts

QUITCLAIM DEED

YUKON REALTY ASSOCIATES, LLC, a Delaware limited liability company duly qualified to do business in the Commonwealth of Massachusetts and having a usual place of business at 1125 Massachusetts Avenue, Arlington, Massachusetts 02474, (the "Grantor"), for consideration paid of One Hundred Fifty Thousand Dollars (\$150,000.00), grants to ARLINGTON CENTER GARAGE AND SERVICE CORPORATION, a Massachusetts corporation with a usual place of business at 438 Massachusetts Avenue, Arlington, Massachusetts 02474, with QUITCLAIM COVENANTS, that certain parcel of vacant land containing 2950 square feet of land located adjacent to the Mill Brook Conduit in Arlington, Massachusetts, and shown as Lot 8D on a plan of land to be recorded herewith, as "Plan of Land in Arlington, MA"; scale 1" = 40' dated December 28, 2018 by RIM Engineering Co., Inc. and being more particularly bounded and described as follows:

- NORTHEASTERLY: By Lot 9 on said Plan 69.86 feet;
- SOUTHEASTERLY: By Lot 8B on said Plan 46.33 feet;
- SOUTHWESTERLY: By Mill Brook Conduit on said Plan 29.80 feet and 48.88 feet; and
- NORTHWESTERLY: By Lot 9 on said Plan 33.25 feet.

Said premises are conveyed subject to all easements, restrictions, and conditions of record insofar as the same are in full force and effect.

For Grantor's title, see Deed from Arlington Center Garage and Service Corporation to Yukon Realty Associates, LLC dated December 31, 2002 and recorded with Middlesex South District Registry of Deeds in Book 37850, Page 613.

return to:
DONNA M. COYLE
GILMAN, MCLAUGHLIN & HANRAHAN LLP
101 MERRIMAC STREET, SUITE 810
BOSTON, MA 02114

MASSACHUSETTS EXCISE TAX
Southern Middlesex District ROD # 001
Date: 02/08/2019 01:13 PM
Ctrl# 295683 16833 Doc# 00016788
Fee: \$684.00 Cons: \$150,000.00

Plan # 110-2019

EXECUTED as a sealed instrument this 7 day of February, 2019.

YUKON REALTY ASSOCIATES, LLC

By: Edward Y. Mirak
Name: Edward Y. Mirak
Title: Manager
Hereunto duly authorized

COMMONWEALTH OF MASSACHUSETTS

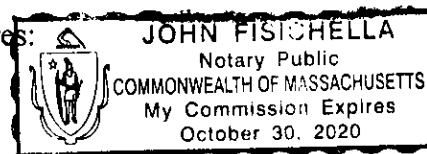
Essex, ss.

On this 7 day of February, 2019, before me, the undersigned notary public, personally appeared Edward Y. Mirak, as Manager of Yukon Realty Associates, LLC, proved to me through satisfactory evidence of identification, which was Edward Mirak, 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 as Manager of YUKON REALTY ASSOCIATES, LLC and acknowledge said instrument to be the free act and deed of YUKON REALTY ASSOCIATES, LLC.

[Signature]

Notary Public

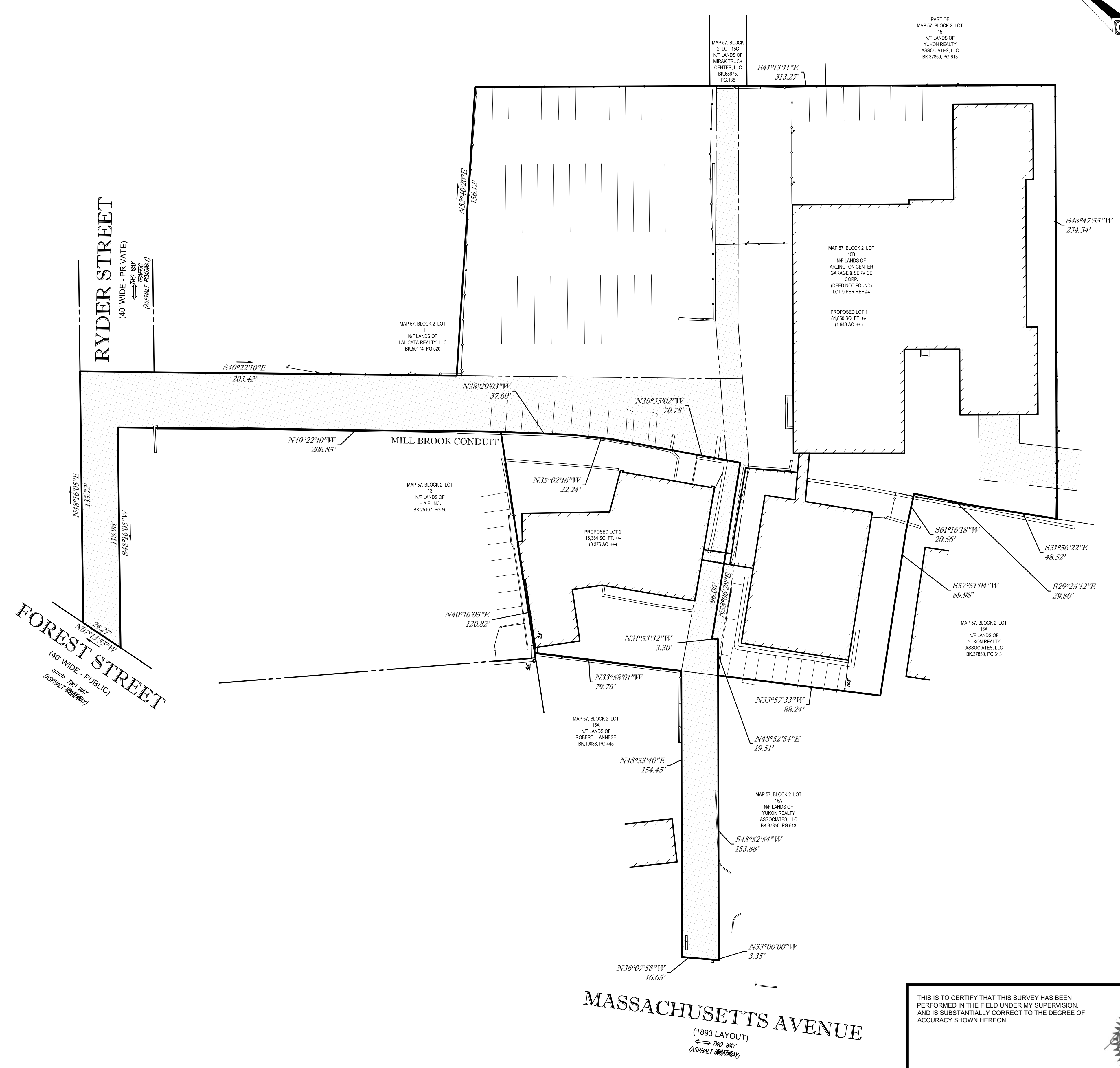
My Commission Expires:



FOR REGISTRY USE ONLY

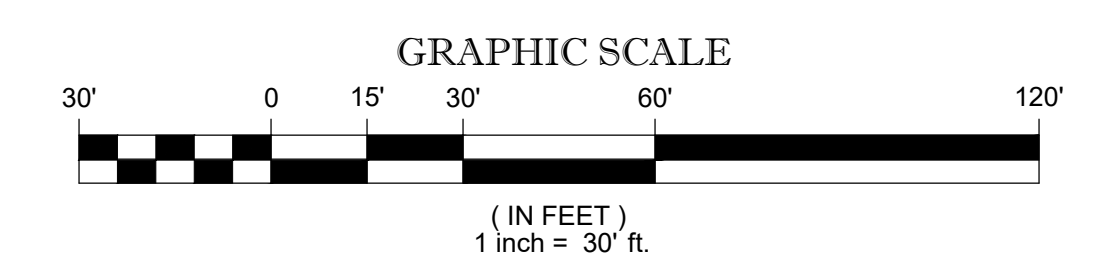


LOCUS MAP
© 2013 ESRI WORLD STREET MAPS
NOT TO SCALE



- NOTES:
- PROPERTY KNOWN AS LOT 10B & 15 AS SHOWN ON THE TOWN OF ARLINGTON, MIDDLESEX COUNTY, COMMONWEALTH OF MASSACHUSETTS, MAP NO. 57.
 - PROPOSED LOT 1 = 84,850 SQUARE FEET OR 1.948 ACRES.
PROPOSED LOT 2 = 16,384 SQUARE FEET OR 0.376 ACRES.
TOTAL AREA = 101,234 SQUARE FEET OR 2.324 ACRES.
 - THIS PLAN IS BASED ON INFORMATION PROVIDED BY A SURVEY PREPARED IN THE FIELD BY CONTROL POINT ASSOCIATES, INC. AND OTHER REFERENCE MATERIAL AS LISTED HEREON.
 - BY GRAPHIC PLOTTING ONLY THE MAJORITY OF THE PROPERTY IS LOCATED IN FLOOD HAZARD ZONE X (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD PLAN). SOME OF THE PROPERTY IS LOCATED IN FLOOD AE (SPECIAL FLOOD HAZARD AREAS SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD, BASE FLOOD ELEVATIONS DETERMINED PER REF. #2).
 - THE PURPOSE OF THIS PLAN IS TO DIVIDE LOT 10B INTO PROPOSED LOT 1 AND PROPOSED LOT 2 FROM TAX LOTS STATED ABOVE IN NOTE #1. PROPOSED LOT 2 DOES NOT HAVE FRONTAGE ON A PUBLIC WAY BUT HAS ACCESS THROUGH EXISTING EASEMENTS.

- REFERENCES:
- THE TAX ASSESSOR'S MAP OF ARLINGTON, MIDDLESEX COUNTY, MAP 57.
 - MAP ENTITLED "NATIONAL FLOOD INSURANCE PROGRAM, FIRM, FLOOD INSURANCE RATE MAP, MIDDLESEX COUNTY, MASSACHUSETTS (ALL JURISDICTIONS) PANEL 416 OF 656, COMMUNITY-PANEL NUMBER 250177 0416 E, MAP EFFECTIVE: JUNE 4, 2010.
 - MAP ENTITLED "PLAN OF LOTS AND EASEMENTS IN ARLINGTON, MA" DATED OCTOBER 23, 2006, RECORDED IN THE SOUTH MIDDLESEX REGISTRY OF DEEDS AS PLAN NO. 1072 OF 2007.
 - MAP ENTITLED "PLAN OF LAND IN ARLINGTON, MA" DATED DECEMBER 28, 2018, RECORDED IN THE SOUTH MIDDLESEX REGISTRY OF DEEDS AS PLAN NO. 110 OF 2019.
 - WATER MAPPING PROVIDED BY THE TOWN ENGINEERING DEPARTMENT.



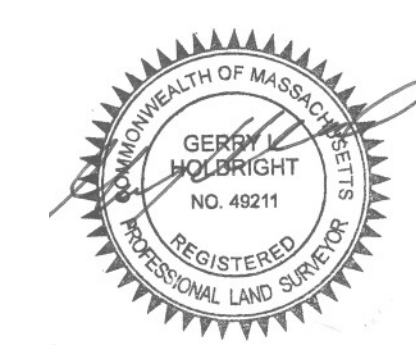
TOWN OF ARLINGTON

DATE _____
THE SUBDIVISION CONTROL LAW HAS NOT BEEN ADOPTED BY THE TOWN OF ARLINGTON

MASSACHUSETTS AVENUE
(1893 LAYOUT)
← NO WAY
(ASPHALT PAVED)

THIS IS TO CERTIFY THAT THIS SURVEY HAS BEEN PERFORMED IN THE FIELD UNDER MY SUPERVISION, AND IS SUBSTANTIALLY CORRECT TO THE DEGREE OF ACCURACY SHOWN HEREON.

GERRY L. HOLDRIGHT, PLS
MASSACHUSETTS PROFESSIONAL LAND SURVEYOR #49211



5-4-2020
DATE

1	REVISED LOT CONFIGURATION	N/A	R.J.K.	G.L.H.	5-4-2020
No.	DESCRIPTION OF REVISION	FIELD CREW	DRAWN	APPROVED	DATE
1	THIS IS TO CERTIFY THAT THIS SURVEY HAS BEEN PERFORMED IN THE FIELD UNDER MY SUPERVISION, AND IS SUBSTANTIALLY CORRECT TO THE DEGREE OF ACCURACY SHOWN HEREON.				
FIELD DATE	12-3-2019	SUBDIVISION PLAN OF LAND			
FIELD BOOK NO.	MA19-20	ARLINGTON CENTER GARAGE & SERVICE CORP.			
FIELD BOOK PG.	25	1167 MASSACHUSETTS AVENUE			
FIELD CREW	S.B.H.	MAP 57, BLOCK 2, LOT 10B & PART OF LOT 15			
DRAWN	R.J.K.	TOWN OF ARLINGTON, MIDDLESEX COUNTY			
APPROVED	A.J.D.	COMMONWEALTH OF MASSACHUSETTS			
		CONTROL POINT ASSOCIATES, INC. 352 TURNPIKE ROAD SOUTHBROOK, MA 01772 508.948.3000 - 508.948.3003 FAX ALBANY, NY 5183175010 CHALFONT, PA 2157129000 MANHATTAN, NY 6467800411 MT LAUREL, NJ 6098523999 WARREN, NJ 9086860999			
REVISION	A.J.D.	APPROVED	G.L.H.	DATE	1-2-2020
SCALE	1"=30'	FILE NO.	03-190272	DWG. NO.	1 OF 1

CONTROL POINT ASSOCIATES, INC. ALL RIGHTS RESERVED. ORIGINAL PROJECT OR COPY HEREON IS THE PROPERTY OF CONTROL POINT ASSOCIATES, INC. AND IS TO BE USED ONLY FOR THE PROJECT AND DATE SPECIFIED HEREON. ANY OTHER USE WITHOUT THE WRITTEN PERMISSION OF CONTROL POINT ASSOCIATES, INC. IS PROHIBITED.