



**CITY OF WALTHAM
IN THE CITY COUNCIL**

610 Main Street

Waltham Massachusetts 02452

Order # 30529

Ordered:

That the City Council hereby authorizes the Mayor to sign and accept, on behalf
of the City, in the form attached hereto:

Deed conveying the Wellington House to the City from Wellington Waltham,
LLC, copy attached hereto:

Grant of Landscape Easement to the City by Plute Homes of New England, LLC
at 775 Trapelo Road, copy attached hereto:

Amendment to the Development Restriction granted to the City by Plute Homes
of New England, at 775 Trapelo Road, copy attached hereto:

Read & Adopted September 25, 2006

Attest Rosario C. Malone, CMC
City Clerk

Approved October 10, 2006

Jeannette A. McCarthy, Mayor

Recd:

SEP 26 2006

Mayor's Office

A True Copy Attest:

Kevin M. Ritcey
Kevin M. Ritcey, Assistant City Clerk



City of Waltham
In the City Council

Date: 9-25-06

(4)

	YEA	NAY	Abstained
Paul J. Brasco	✓		
Sarafina Sally Collura	✓		
Thomas J. Curtin	✓		
George A. Darcy, III	✓		
Kenneth B. Doucette	✓		
Joseph M. Giordano, Jr.	✓		
Robert S. Kelly	✓		
Robert G. Logan	✓		
Gary J. Marchese	✓		
David H. Marcou	✓		
Kathleen B. McMenimen	✓		
Patrick J. O'Brien	✓		
Stephen F. Rourke	✓		
Thomas M. Stanley	✓		
Edmund P. Tarallo			

YEA 14

NAY 0

Abstained _____ Ruling _____



City of Waltham
In the City Council

Date:

9-25-06

(5)

	YEA	NAY	Abstained
Paul J. Brasco	✓		
Sarafina Sally Collura	✓		
Thomas J. Curtin	✓		
George A. Darcy, III	✓		
Kenneth B. Doucette	✓		
Joseph M. Giordano, Jr.	✓		
Robert S. Kelly	✓		
Robert G. Logan	✓		
Gary J. Marchese			
David H. Marcou	✓		
Kathleen B. McMenimen	✓		
Patrick J. O'Brien	✓		
Stephen F. Rourke	✓		
Thomas M. Stanley	✓		
Edmund P. Tarallo			

YEA

13

NAY

0

Abstained

Ruling



City of Waltham
In the City Council

Date:

9.25.06

30529
(b) Amendment to

	YEA	NAY	Abstained
Paul J. Brasco	✓		
Sarafina Sally Collura	✓		
Thomas J. Curtin	✓		
George A. Darcy, III	✓		
Kenneth B. Doucette	✓		
Joseph M. Giordano, Jr.	✓		
Robert S. Kelly	✓		
Robert G. Logan	✓		
Gary J. Marchese	✓		
David H. Marcou	✓		
Kathleen B. McMenimen	✓		
Patrick J. O'Brien	✓		
Stephen F. Rourke	✓		
Thomas M. Stanley	✓		
Edmund P. Tarallo			

Development
Restriction

YEA

14

NAY

0

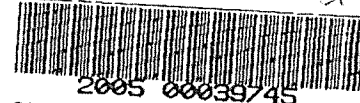
Abstained

Ruling

David H. Marcou
Attest: Michael S. Rogers

A True Copy Attest:

Kevin M. Ritcey
Kevin M. Ritcey, Assistant City Clerk



Bk: 44714 Pg: 395 Doc: DEED
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After Recording, Return To:

Law Office of Mark B. Johnson
12 Chestnut Street
Andover, MA 01810
Re: File 03-308.3

QUITCLAIM DEED

WELLINGTON HOUSE LLC (**Grantor**), a Delaware limited liability company, registered to do business in the Commonwealth of Massachusetts, having an address at 600 E. Las Colinas Blvd., Suite 1800, Irving, Texas 75039, for consideration paid of One Hundred and No/100 Dollars (\$100.00), grants by this Quitclaim Deed (**Deed**) to WELLINGTON WALTHAM, LLC, (**Grantee**), a Massachusetts limited liability company, having an address of c/o Pulte Homes of New England, LLC at 115 Flanders Road, Suite 170, Westborough, Massachusetts 01581, WITH QUITCLAIM COVENANTS:

Subject to the Permitted Exceptions (defined below), all of the real property (the **Property**) located on Trapelo Road in Waltham, Middlesex County, Massachusetts more particularly described on Exhibit A attached hereto and made a part hereof for all purposes, together with the improvements thereon and all of Grantor's rights to appurtenances, easements, adjacent streets and alleys, strips, and gores.

This Deed is made, and is accepted by Grantee, subject to the restrictions, easements, covenants, encumbrances, and liens of record including those described and/or set forth on Exhibit B attached hereto and incorporated herein by reference for all purposes (the **Permitted Exceptions**).

Grantee, by accepting delivery of this Deed, has assumed and agreed to pay the taxes and assessments for the current year from the date hereof and subsequent years. Grantee's acceptance of delivery of this Deed is evidenced by its recordation.

EXECUTED as of February 28, 2005.

[Signature Page Follows]

GRANTOR:

WELLINGTON HOUSE LLC,
a Delaware limited liability company

By: James W. Morgan, Jr.
Name: James W. Morgan, Jr.
Title: Assistant Vice President

STATE OF TEXAS

COUNTY OF DALLAS

February 14, 2005

On this 14th day of February, 2005, before me, the undersigned notary public, personally appeared JAMES W. MORGAN, JR., the AVA of Wellington House, LLC, a Delaware limited liability 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 document and acknowledged to me that he/she signed it voluntarily for its stated purpose, on behalf of Wellington House, LLC and that he/she has the authority to act in that capacity.

Sherry Goodwin
Notary Public

My Commission Expires: 08-10-2006

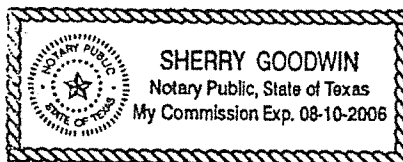


EXHIBIT A

Real Property Description

The parcel of land with all improvements thereon situated in the City of Waltham, County of Middlesex, Commonwealth of Massachusetts, and as more particularly described as follows:

Lot C on the plan entitled "Plan of Land in Waltham & Lexington, MA (Middlesex County) dated March 12, 2004, last revised April 9, 2004 prepared by Precision Land Surveying, Inc., recorded as an "Approval Not Required" Plan in the Middlesex County (South) Registry of Deeds as Plan No. 402 of 2004.

Together with the appurtenant rights and easements to install, maintain, use, repair and replace utility lines pursuant to the reservation contained in that certain Deed from Perseus of N.E. MA, Inc. to the City of Waltham dated May 6, 1998 and recorded in Book 28805, Page 364, with said Deeds.

Being the same premises conveyed to Grantor by deed recorded with the Middlesex (South) District Registry of Deeds in Book 43050, Page 166.

EXHIBIT B

Permitted Exceptions

REGISTRY OF DEEDS
SOUTHERN DISTRICT
ATTEST:


REGISTRAR

1. Taxes, dues and assessments for the year 2005, and subsequent years.
2. All matters created by, through or under Grantee, including, without limitation, any documents or instruments to be recorded as part of any financing utilized by Grantee.
3. Local, state and federal laws, ordinances or governmental regulations, including, but not limited to, building and zoning laws, ordinances and regulations, now or hereafter in effect relating to the Property.
4. All covenants, agreements, conditions, easements, restrictions, rights, and other matters of record.
5. All matters that would be shown by a current survey and/or revealed by a current physical inspection of the Property.
6. Obligations set forth in that certain quitclaim deed with respect to the Property deposited by Grantor with and being held in escrow by the City of Waltham, or if such deed is being replaced as of the date hereof with a quitclaim deed deposited by Grantee with and to be held in escrow by the City of Waltham, the obligations set forth in such replacement deed.
7. Terms, provisions and restrictions contained in that certain Deed from Perseus of N.E. MA, Inc. to the City of Waltham dated May 6, 1998 and recorded in Book 28805, Page 364 as affected by Order recorded in Book 28805, Page 362.
8. Terms and provisions set forth in Deed dated December 30, 1996 and recorded in Book 27228, Page 431.
9. Plan of Land recorded April 8, 2004 as Plan No. 352 of 2004.
10. Notice of Decision dated May 13, 1998 and recorded in Book 28683, Page 592.
11. Notice of Decision dated December 8, 2003 and recorded in Book 42060, Page 398.
12. Development Restriction granted to the City of Waltham, dated November 25, 2002, and recorded in Book 37706, Page 73.
13. Amendment to Development Restriction granted to the City of Waltham, dated December 23, 2003.
14. Those matters in the special permit dated December 8, 2003, recorded in Book 42060, Page 398 that specifically apply or relate to the Property.



2004 00152863
Bk: 43050 Pg: 166 Doc: DEED
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Quitclaim Deed

HCRI Holdings Trust, a Massachusetts business trust ("Grantor"), for Five Hundred Thousand Dollars (\$500,000.00) paid, the receipt and sufficiency of which are hereby acknowledged, grants to **Wellington House, LLC**, a limited liability company organized under the laws of the State of Delaware ("Grantee"), whose tax-mailing address is One Technology Drive, Westborough, Massachusetts 01851, with QUITCLAIM COVENANTS, all that certain parcel of land, together with the buildings and other improvements thereon and appurtenances thereto located in the City of Waltham and having a postal address of 775 Trapelo Road, Waltham, Massachusetts 02452, all as more particularly described on Exhibit A attached hereto and incorporated herein ("Property").

Being a portion of the premises conveyed to the Grantor by deed of Health Care REIT, Inc., dated September 12, 2000, and recorded with the Middlesex South District Registry of Deeds in Book 31816, Page 444.

Said premises are conveyed subject to all matters of record including those set forth on Exhibit B attached hereto and incorporated hereby.

[THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK]


MASSACHUSETTS EXCISE TAX
Southern Middlesex District ROD # 001
Date: 06/15/2004 11:28 AM
Ctrl# 031339 28443 Doc# 00152863
Fee: \$2,280.00 Cons: \$500,000.00


Ramen Law Office PC
One Center Plaza
Boston, MA 02108

In Witness Whereof, Grantor has executed and delivered this deed to Grantee under seal on this 14 day of June, 2004.

HCRI HOLDINGS TRUST

By: HCRI Massachusetts Properties, Inc., as
Trustee, and not individually and subject
to the provisions of the Declaration of
Trust of HCRI Holdings Trust filed with
the Secretary of the Commonwealth of
Massachusetts and the City Clerk of
Boston

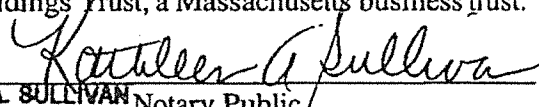
By: 
George L. Chapman
Chairman and Chief Executive Officer

By: 
Erin C. Ibele
Vice President and Corporate
Secretary

STATE OF OHIO)
) SS:
COUNTY OF LUCAS)

On this 14th day of June, 2004, before me, the undersigned notary public, personally appeared George L. Chapman, the Chairman and Chief Executive Officer, and Erin C. Ibele, the Vice President and Corporate Secretary, of HCRI Massachusetts Properties, Inc., a Delaware corporation, each of whom proved to me through satisfactory evidence of identification, which was a drivers license, to be the person whose name is signed on this document, who acknowledged the foregoing on behalf of the corporation to be the free act and deed of the corporation as the trustee of HCRI Holdings Trust, a Massachusetts business trust.




KATHLEEN A. SULLIVAN, Notary Public
Notary Public, State of Ohio
Commission Expires 9-7-06

My Commission Expires: _____

[SEAL]

This Instrument Prepared By
And After Recording Return To:

Oksana M. Ludd, Esq.
Shumaker, Loop & Kendrick, LLP
1000 Jackson Street
Toledo, Ohio 43624

**Exhibit A
to Quitclaim Deed**

Description of Real Property

The parcel of land with all improvements thereon situated at in the City of Waltham, County of Middlesex, Commonwealth of Massachusetts, and is more particularly described as follows:

Lot C on the plan entitled "Plan of Land in Waltham & Lexington, MA (Middlesex County)" dated March 12, 2004, last revised April 9, 2004 prepared by Precision Land Surveying, Inc., recorded as an "Approval Not Required" Plan in the Middlesex County (South) Registry of Deeds as Plan No. 402 of 2004.

Together with the appurtenant rights and easements to install, maintain, use, repair and replace utility lines pursuant to the reservation contained in that certain Deed from Perseus of N.E. MA, Inc. to the City of Waltham dated May 6, 1998 and recorded in book 28805, page 364, with said Deeds.

**Exhibit B
to Quitclaim Deed**

Permitted Exceptions

1. Outstanding real estate taxes and taxes and assessments not yet due and payable.
2. Rights of parties in possession.
3. Matters disclosed by an accurate survey.

Robert P. O'Brien
Att. CL Middlesex S. Register