

Form 13 – Approval with Covenant Contract

Framingham Planning Board – Approval with Covenant Contract

One completed form and two copies thereof shall be filed with the Planning Board

The undersigned (Name/Address of Subdivision Owners)

Know all men by these presents that whereas the undersigned has submitted an application dated _____, 20____, to the Framingham Planning Board for approval of a Definitive Subdivision Plan of a certain subdivision entitled _____ and dated _____20____, and has requested the Board to approve such plan without requiring a performance bond

NOW THEREFORE, WITNESSETH THIS AGREEMENT in consideration of the Framingham Planning Board approving said plan without requiring a performance bond, and in consideration of one dollar (\$1.00) in hand paid, receipt whereof is hereby acknowledged, the undersigned therefore covenants and agrees to the terms and conditions as follows:

1. The undersigned will not sell any lot in the subdivision or erect or place any permanent building on any such lot until the necessary site work on the ground has been performed to serve each lot adequately in the manner specified in the aforesaid application, and in accordance with the covenants, conditions, agreements, terms and provisions thereof.
2. This agreement shall be binding upon the executors, administrators, devisees, heirs, successors and assigns of the undersigned.

It is the intention of the undersigned and it is hereby understood and agreed upon that this contract shall constitute a covenant running with the land included in the aforesaid subdivision and shall operate as restrictions upon said land.

It is understood and agreed upon that lots within the subdivision shall, respectively, be released from the foregoing conditions upon the recording of a certificate of performance executed by a majority of the Framingham Planning Board and enumerating the specific lots to be so re-leased.

3. The undersigned represents and covenants that the undersigned is the owner¹ in fee simple of all the land included in the aforesaid subdivision and that there are no mortgages of record or otherwise on any of said land, except such as are described below and subordinated to this contract, and the present holders of said mortgages have assented to this contract prior to its execution by the undersigned.
4. The undersigned agrees that all construction in the subdivision shall be completed within a time period of two years from the date of endorsement of approval of the definitive plan. Failure to complete the construction as agreed upon shall render such approval of the sub-division null and void.

In witness whereof, the undersigned, applicant as aforesaid, does hereunto set her/his hand and seal this ____ day of _____, 20____.

Applicant Signature

If Applicant is not the Owner, Owner Signature (if more than one owner all owners must sign)

If there is more than one owner, all individuals must sign this form

Description of Mortgages (provide complete names and Registry of Deeds Reference):

Assents of Mortgagees: _____

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS. _____, 20 ____

Then personally appeared the above named _____
and acknowledged that foregoing has been executed before me as a free act and deed.

Notary Public: _____, Date:

My commission expires: _____

NOTE: If executed by or on behalf of a corporation or other entity, attach proper jurist therefor and a Certificate of Corporate Vote and/or other certificate of authority.