

FORM F

**DARTMOUTH
PLANNING BOARD**
400 Slocum Road
Dartmouth, MA 02747
(508) 910-1816



PERFORMANCE COVENANT

After the applicant has completed construction of the required subdivision improvements or provided a Performance Covenant, the applicant shall prepare a copy of this form and submit it to the Planning Office. If conditions are met, the Planning Board will by majority vote endorse this release and it will be returned to the applicant, who shall record it at the Bristol County (S.D.) Registry of Deeds. A copy will be retained by the Planning Office and another given to the Director of Inspectional Services.

I/We, the undersigned,

_____ [individual or entity] of

_____ [address]

_____ County, Massachusetts (the "Covenanter"), having submitted to the Dartmouth Planning Board a Definitive Plan of a subdivision

Plan entitled: _____

Dated: _____

Prepared by: _____ registered as an engineer or surveyor in Massachusetts, do hereby covenant and agree with said Board and the successors in office of said Board, pursuant to M.G.L. Chapter 41, §81-U that:

1. The covenant is the OWNER* in fee simple absolute of all the land included in the subdivision and as shown on said Definitive Plan.
(* If there is more than one owner, all must sign)

2. This covenant shall run with the land and be binding upon the executors, administrators, heirs, assigns of the covenanter, and their successors in title to land included in the subdivision and shown on said definitive subdivision plan.

3. The construction of ways and installation of subdivision improvements shall be provided to serve any lot before such lot may be built upon or conveyed, other than by mortgage deed; provided that a mortgagee who acquires title to the mortgaged

premises by foreclosure or otherwise and any succeeding owner of the mortgaged premises or part thereof may sell any such lot, subject only to that portion of this Covenant which provides that no lot so sold shall be built upon until such ways and services have been provided to serve such lot.

The construction of ways and installation of subdivision improvements shall be provided in accordance with:

- a. The Subdivision Control Law and the Planning Board's Subdivision Regulations dated _____ governing this subdivision.
- b. The Certificate of Approval and the conditions of approval specified therein, issued by the Planning Board and recorded with the Town Clerk on _____.
- c. The endorsed Definitive Plan.
- d. If applicable any other documents, namely:

- 4. Nothing herein shall be deemed to prohibit a conveyance by a single deed subject to this covenant, of either the entire parcel of land shown on the subdivision plan or of all lots not previously released by the Planning Board.
- 5. The covenanter agrees to record this covenant with the Bristol County (S.D.) Registry of Deeds at the same time as the Definitive Plan is recorded. Reference to the covenant shall be entered upon the Definitive Subdivision Plan.
- 6. A deed of any part of the subdivision in violation of the covenant shall be voidable by the grantee prior to the release of the covenant; but, not later than three (3) years from the date of such deed, as provided in M.G.L. Chapter 41, §81-U.
- 7. This covenant shall be executed before endorsement of the Definitive Plan and shall take effect upon the endorsement of approval.
- 8. The construction of ways and installation of subdivision improvements shall be completed within 18 months of a release of lots for sale or building unless the Planning Board approves an extension of this time limit. Failure to complete improvements within the specified time period shall be cause for the Planning Board to secure any performance guarantee posted by the applicant. Should the Town

have to secure the performance guarantee and complete improvements, the owner hereby gives permission to the Town to enter the property to complete improvements.

9. Upon completion of ways and subdivision improvements to the satisfaction of the Planning Board, or upon the provision of a performance guarantee in accordance with the Planning Board's Subdivision Regulations, lots within the subdivision shall be released from prohibitions regarding conveyances and issuance of building permits for individual lots. This shall be accomplished by a Release of Lots form executed by the majority of the Planning Board and enumerating the specific lots to be released. The Release of Lots form shall be recorded by the applicant at the Bristol County (S.D.) Registry of Deeds.

For title in the property, see deed from _____ dated _____
and recorded in the Bristol County (S.D.) Registry of Deeds
Book _____ Page _____ or registered in the
Bristol County (S.D.) Land Court as Document No. _____, and
noted on Certificate of Title No. _____ in Registration
Book _____ Page _____ ,

IN WITNESS WHEREOF we have hereunto set our hands and seals below:

SIGNATURE OF COVENANTER [Owner(s)]

Then personally appeared before me the above named Covenanter(s) and acknowledged the foregoing instrument to be (his/her) free act and deed.

Commonwealth of Massachusetts, Notary Public: _____

Date: _____

My Commission expires:

WITNESS the execution hereof as a sealed instrument as of _____
Date

Majority of the Planning Board

COMMONWEALTH OF MASSACHUSETTS

BRISTOL, ss.

On this _____ day of _____, before me, the undersigned Notary Public,
personally appeared

as members of the Dartmouth Planning Board and together constituting a majority of the members of the Dartmouth Planning Board, each being personally known to me to be a member of the Dartmouth Planning Board, and acknowledged that they signed the foregoing document voluntarily on behalf of the Dartmouth Planning Board for its stated purpose.

Notary Public

My Commission expires: