

MEMORANDUM OF AGREEMENT

This Memorandum of Agreement (“MOA”) is executed by and between the Town of Mashpee (“Town”) and the Willowbend Condominium Trust (“Trust”) in relation to the acquisition by the Town of certain easement rights in and over a portion of the Trust’s property located on Mashpee Neck Road and shown, respectively, on the Mashpee Assessors’ Maps as Map 69, Lot 117 and Map 76, Lot 203 for the purposes of constructing, operating, maintaining and repairing a public sewer system.

In consideration of the Trust’s waiver and release of damages and claims relative to the eminent domain taking of said public sewer easements by the Town and other good and valuable consideration, including public safety, the sufficiency of which is hereby acknowledged, the Town agrees to implement the following described improvements with respect to Town ways adjacent and proximate to the Trust’s property, subject to the conditions noted:

1) **Berm**

The Town will install an asphalt berm along approximately 385 feet of Quinaquisset Avenue in the vicinity of West Gate. The work performed by the Town or its contractors will include saw cutting, excavating, paving, and line painting as necessary. The Trust will be solely responsible for removing any irrigation on its property and re-landscaping their frontage, as may be necessary to accommodate the berm installation.

2) **Flashing Beacons**

The Town will install two AC powered flashing warning beacons at the golf course crossing on Quinaquisset Avenue located approximately 70 feet east of Willowbend Drive. The work performed by the Town or its contractors will include installing the electrical service and connections, installing concrete foundations and the beacon pedestals, and repairing the road as necessary. The Trust will be solely responsible for removing any irrigation on its property and re-landscaping their frontage as may be necessary to accommodate the beacon installation. Upon

completion of installation, the Trust will assume ownership of the beacons and shall be responsible for all electrical and repair costs associated with their operation.

3) Crosswalks


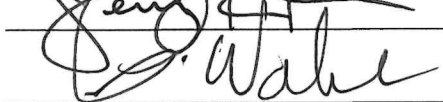
The Town will repaint, one time, the two golf course crossings on Quinaquisset Avenue, one located approximately 250 feet east of West Gate and one located approximately 70 feet east of Willowbend Drive. The work will be performed using white traffic paint with reflective bead. The Trust will be responsible for maintaining the crossings in the future, including any signage appurtenant thereto.

This MOA shall constitute the full and complete agreement between the parties as to the subject matter set forth herein, and it shall not be construed to create any additional or inferred duty, obligation, responsibility, or liability beyond that expressly stated herein.

This MOA shall be effective as of the below referenced date(s) of execution.

Willowbend Condominium Trust

By Its duly authorized Trustees:

 Jerry Kokos
 Patti Walsh

Dated: Nov 16, 2022

Town of Mashpee:

By: _____
Its: Town Manager

Dated: _____