Request for “Corrective Deed” for Spurwink Woods Subdivision.

“Spurwink Woods” is an approved subdivision that has been partially developed by Spurwink Woods LLC. The project was originally approved in 2006, with some rvisions in 2010. The overall development includes house lots, a public street and a 19 Unit condominium section (“Cottages at the Cape”). Sales and construction have been underway for a number of years. The house lots have largely been sold and built upon, and South Street is constructed and accepted up to a location just short of the condominium property sections.

The “Open Space” around the condominium project was: (1) made subject to a “conservation easement” granted to the Town, and then (2) conveyed in fee to the Town, “subject to matters on the plan.”

The recorded Plan, as well as the various construction plans provided as part of the project, show the condominium project is intended to discharge drainage into the Open Space. (Some of the house lots/South Street also discharge stormwater into that area, as well.) The developer of the condominium property will need to install or construct piping, swales, contours, and the “level lip spreaders” in the Open Space area.

In addition, the Plan provides that the Town will be discharging some parts of the extended South Street stormwater into the Open Space via a pipe that crosses the condominium property when that is developed and the South Street extension is turned over to the Town.

The deed to the Town does not explicitly spell out the intended reserved rights regarding the drainage and the like. We believe it would be best to clarify the necessary and intended reserved rights. This has been discussed with Maureen O’Meara, and we believe she concurs with that correcting makes sense at this point.

It is our request to have the proposed Corrective Deed approved by the Town Council this coming month prior to the scheduled closing on the sale of the condominium property.