

HARVARD UNIVERSITY  
CAMBRIDGE, MASSACHUSETTS 02138

June 2, 1994

Mrs. Marian F. Thornton  
Chairman, Concord Land Conservation Trust

Ms. Marjorie Getchell  
President, Carlisle Conservation Foundation

Dear Mrs. Thornton and Ms. Getchell:

On behalf of the Faculty of the Museum of Comparative Zoology, we would like to express our appreciation for your efforts to conserve the ecologically sensitive areas that surround the Museum of Comparative Zoology's field station in the Estabrook Woods of Concord and Carlisle. In response to your request for Harvard's assurance that the University has a long-term commitment to conserving the MCZ Field Station for ecological education and research purposes, we offer the following statement.

STATEMENT OF PUBLIC CHARITABLE OBLIGATION

(1) The MCZ Field Station was acquired from 1966 through 1968 by virtue of charitable gifts of money and/or charitable bargain sales of land intended to be used to establish a field station for the Museum of Comparative Zoology. The Terms of Gift for the field station stated that it was to be used "for instruction and research within the scope of the educational purposes of the Museum," including research and field studies of all kinds related to zoology. The gift terms further stated that the lands were intended to provide a natural preserve for ecological research and that the MCZ could establish and maintain at the Field Station "[o]nly such facilities . . . as are desirable for and consistent with the educational purposes for which [the field station] is to be used." The Terms of Gift specifically recognized the recreational use of portions of the MCZ Woods for nature walks, horseback riding, skiing, skating, and similar activities, so long as those activities would not, in the judgment of the Museum, interfere with the use of the land by the MCZ for educational purposes.

(2) By virtue of the Terms of Gift for the charitable contributions to acquire the MCZ Woods, the land is held by Harvard subject to the public charitable obligation to use the land for the purposes and under the conditions described above without limit of time. Changes in the MCZ's use or operation of the Woods from the Terms of Gift would require approval of the Attorney General of the Commonwealth of Massachusetts and the Massachusetts Supreme Judicial Court.

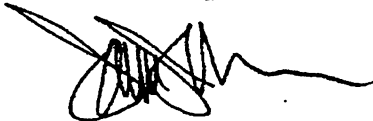
(3) The Museum of Comparative Zoology and the President of Harvard University declare that the Concord Land Conservation Trust, the Carlisle Conservation Foundation, the Nature Conservancy Foundation, the

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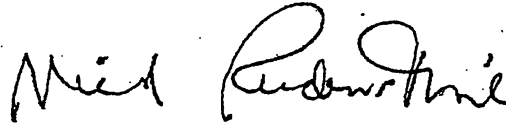
Conservation Commission of the Town of Concord, the Conservation Commission of the Town of Carlisle, and the Trustees of Reservations will be notified were there ever to be any court proceeding regarding interpretation, termination, or amendment of the Terms of Gift under which the MCZ Woods were acquired or regarding change in their permitted use or ownership, in order that the opinions of these organizations could be heard.

(4) The Faculty of the Museum of Comparative Zoology and the President of Harvard University support the efforts of the Concord Land Conservation Foundation and the Carlisle Conservation Foundation to acquire conservation restrictions on areas of the existing buffers to the MCZ Woods. In addition to preserving open space in the communities, these efforts, if successful in conserving at least 400 acres of buffer land, will provide the protection necessary to preserve the use of the MCZ Woods for the purposes contemplated by the gifts to Harvard.

Sincerely,



James J. McCarthy  
Director of the MCZ



Neil L. Rudenstine  
Chairman of the MCZ Faculty  
President of Harvard University

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## NOTICE

President and Fellows of Harvard College ("Harvard"), an educational and charitable corporation existing under the laws and the Constitution of The Commonwealth of Massachusetts, with an address c/o Vice President for Administration, Massachusetts Hall, Harvard University, Cambridge, Massachusetts 02138, is the owner of those certain parcels of land within the Estabrook Woods, so called, located in the Towns of Concord and Carlisle, Middlesex County, Massachusetts, and more particularly described on Exhibit A attached hereto. Harvard acquired some of the parcels, now collectively known as the Concord Field Station ("Field Station"), in part as a result of a solicitation of funds for the Field Station. Additional funds for the acquisition and operation of the Field Station were obtained by Harvard from other sources.

Notice is hereby given that Harvard holds the Field Station subject to those certain public charitable obligations affecting the use of the Field Station as described in certain documents contained within the records of Harvard including a letter dated June 2, 1994 from President Neil L. Rudenstine and James J. McCarthy, Director of the Museum of Comparative Zoology to the Concord Land Conservation Trust and Carlisle Conservation Foundation.

✓ MARGINAL REFERENCE REQUESTED

BOOK 11270 PAGE 706

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✓  
PRESIDENT AND FELLOWS OF HARVARD  
COLLEGEBy: Anne TaylorBy: Kathryn Applebaum

THE COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

January 8, 1997

Then personally appeared the above-named Anne Taylor, being the Acting Vice President & General Counsel of President and Fellows of Harvard College, and acknowledged the foregoing instrument to be the free act and deed of President and Fellows of Harvard College, before me.

✓ MARGINAL REFERENCE REQUESTED

BOOK 11295 PAGE 599

Notary Public

My commission expires: 2/22/2002

✓ MARGINAL REFERENCE REQUESTED

BOOK 11339 PAGE 137

✓ MARGINAL REFERENCE REQUESTED

BOOK 11523 PAGE 130

MARGINAL REFERENCE REQUESTED

BOOK 11523 PAGE 132

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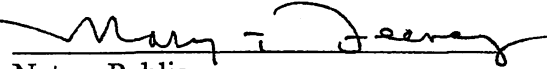
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THE COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

January 8, 1997

Then personally appeared the above-named KATHY A. SPIEGELMAN being the authorized signatory of President and Fellows of Harvard College, and acknowledged the foregoing instrument to be the free act and deed of President and Fellows of Harvard College, before me.



Notary Public

My commission expires: 2/22/2002

**EXHIBIT A**

Land owned by President and Fellows of Harvard College comprising the Concord Field Station

A. Deeds recorded with Middlesex South District Registry of Deeds:

1. Deed dated December 19, 1966 from The Nature Conservancy of Massachusetts, Inc. to President and Fellows of Harvard College ("Harvard") recorded with Middlesex South District Registry of Deeds in Book 11270, Page 706. (23.64 acres in Concord)
2. Deed dated December 19, 1966 from The Nature Conservancy of Massachusetts, Inc. to Harvard recorded with said Deeds in Book 11270, Page 707. (Land in Concord, Parcel 1 containing 15.67 acres and Parcel 2 containing 12 acres, more or less.)
3. Deed dated March 3, 1967 from Gordon Hutchins to Harvard recorded with said Deeds in Book 11295, Page 599. (Land in Concord containing 170 acres, more or less).
4. Deed dated June 12, 1967 from Anne M. Lamphier to Harvard recorded with said Deeds in Book 11339, Page 137. (Eight Parcels of land in Concord and Carlisle. See same Deed described in Item 8 below, for the Carlisle land.)
5. Deed dated May 28, 1968 from Stedman Buttrick et al. to Harvard recorded with said Deeds in Book 11523, Page 130. (Two parcels of land in Concord).
6. Deed dated May 28, 1968 from Stedman Buttrick et al to Harvard recorded with said Deeds in Book 11523, Page 132. (Land in Concord)

B. Deeds recorded with Middlesex North District Registry of Deeds:

7. Deed dated December 19, 1966 from The Nature Conservancy of Massachusetts, Inc. to Harvard recorded with Middlesex North District Registry of Deeds in Book 1784, Page 379. (Land in Carlisle, Parcel 1 containing 40 acres and Parcel 2 containing 21 acres, more or less.)
8. Deed dated June 12, 1967 from Anne M. Lamphier to Harvard recorded with said Middlesex North District Registry of Deeds in Book 1799, Page 379. (Eight Parcels of land in Concord and Carlisle. See same Deed described in Item 4 above, for the Concord land.)