
**AMENDMENT NO. 1 TO
DECLARATION OF CONDOMINIUM**

THE STEAM POWER BUSINESS CENTER CONDOMINIUM

WHEREAS, The Steam Power Business Center Condominium is a land unit Condominium with two (2) land units, common area and limited common area, formed by Declaration of Condominium dated November 16, 2011 and recorded in the Merrimack County Registry of Deeds at Book 3288, Page 1130 (“Original Declaration”) and Condominium site plan recorded in said Registry as Plan #19689.

WHEREAS, P & M Realty of Concord, LLC is the Declarant and the owner of Land Unit 2 (“Declarant”);

WHEREAS, Evolution Realty, LLC (“ER”) is the owner of Land Unit 1;

WHEREAS, original Land Unit 2 contains 19.72 acres;

WHEREAS, the Original Declaration provides that Land Unit 2 may be further divided/partitioned to create additional land Units on Land Unit 2, up to five (5) additional land units;

WHEREAS, Declarant wishes to further divide Land Unit 2 into new Land Units 2, 3 and 4, two (2) new limited common areas to be assigned to Land Unit 4, and additional common area to be used by all Units, and wishes to reserve the right to further subdivide Land Units 3 and 4 created hereby;

WHEREAS, a portion of the Original Common Area A of the Condominium containing 0.56 acres of land near Langdon Avenue, as shown on Plan 19689, has not and will not be used by Land Unit 1 but will be used by Land Unit 3 and the parties wish to assign it as Limited Common Area appurtenant to newly created Unit 3;

WHEREAS, Declarant wishes to reserve the right to withdraw two (2) portions of Original Land Unit 2 from the Condominium;

WHEREAS, Section 2(G)(I) of the Original Declaration provides that the use of the Condominium is limited to Business and Commercial Use which is further defined to include “other uses permitted in the zoning district in which the Property is located;”

WHEREAS, the Property is currently located in the RO – Open Space Residential District and the Opportunity Corridor Performance Overlay District and multifamily use is permitted as a matter of right in said districts;

WHEREAS, one of the Land Units to be created from Land Unit 2, namely new Land Unit 2, is intended to be developed as multifamily;

WHEREAS, the parties further wish to make clear that, pursuant to NH RSA 477:26, all appurtenant easements are part of the Submitted Land, whether or not they are recited at length or with specificity;

WHEREAS, simultaneously herewith, a revised Condominium site plan is being recorded in the Merrimack County Registry of Deeds, which Revised Condominium site plan shows the boundaries separating the new Units within Land Unit 2, their new identifying numbers, and the location of the new limited common area(s) appurtenant to new Land Unit 2, New Land Unit 3 and New Land Unit 3a;

WHEREAS, while not required by the Bylaws of the Condominium, the Condominium Association was originally incorporated but has since been administratively dissolved.

NOW, THEREFORE, the Declarant, and Owners of both of the Units in the Condominium hereby amend and/or clarify the Original Declaration as follows:

1. Land Unit 2 shall be divided as follows:

New Land Unit 2	14.58 acres
New Land Unit 3	2.50 acres
New Land Unit 4	2.090 acres
LCA 4.1 assigned to Land Unit 4	.43 acres
LCA 4.2 assigned to Land Unit 4	.76 acres

2. The 0.56-acre portion of the Common Area contained near Langdon Avenue shown on the Revised Condominium Plan is hereby assigned as limited common area appurtenant to New Land Unit 3.

3. Exhibit A-2 of the Declaration, description of Land Unit 2, shall be replaced in its entirety with the attached Exhibit A-2.

4. Exhibit B of the Declaration (Common Area Percentage Interests/Votes) shall be replaced with Exhibit B attached hereto.

5. The new Land Units 3 and 4 created hereby may be further subdivided by the owner(s) thereof pursuant to Section 4 of the Declaration and NH RSA 356-B:32.

6. All costs and expenses related to the new Limited Common Area assigned to new Land Unit 3 will be born by the Owner of Land Unit 3. All costs and expenses related to the new Limited Common Areas assigned to Land Unit 4 will be borne by the owner of Land Unit 4.

7. The following new section is added to the Declaration:

“Contraction of the Condominium. The Declarant hereby expressly reserves the right, to be exercised in its sole discretion, to remove one or both of the new limited common areas assigned to Land Unit 4. The right to contract shall be effected by amendment to this Declaration amending the appropriate Exhibits of the Declaration. The Amendment to Declaration shall be executed by Declarant alone in the manner provided by Section 26 of the Condominium Act. The right to contract shall be subject to the following:

- (a) Limitations on Option. There are no limitations on the option to contract except as provided in this Paragraph or in the Condominium Act. No consent of any Unit Owner or mortgagee of a Unit Owner shall be required in connection with the exercise of such option;
- (b) Time Limit. The time limit to contract shall be the maximum permitted under the Act;
- (c) Legal Description. A legal description by metes and bounds of the Withdrawable Land is the same as the Legal Description of Limited Common Areas assigned to Land Units 3 and 4 and is set forth in Exhibit A-2 attached hereto;
- (d) Portions. If only a portion is removed to the Condominium, there is no requirement that other portions will be removed;
- (e) Portions at Different Times. Portions may be withdrawn at different times in any order, subject only to the limitations provided in the Condominium Act. At the time that any such portion is withdrawn to the Condominium, the boundaries of such portion shall be fixed by legal description setting forth the metes and bounds thereof. There are no other limitations as to what portions may be withdrawn or concerning the fixing of the boundaries of those portions.

8. For the avoidance of doubt, the undersigned agree that multifamily is an allowed use of the Condominium.

9. For the avoidance of doubt, Exhibit A, Submitted Land, is hereby amended by adding at the end thereof the following language:

“Together with all easements and rights appurtenant to the land described above, whether recited herein or not, including by way of example only those easement rights contained in the Documents recorded in the Merrimack County Registry of Deeds at Book 1323, Page 441; Book 1323, Page 451; and Book 1322, Page 889.”

10. For the avoidance of doubt, the undersigned agree that the Condominium Association need not be an incorporated entity, and will function as an unincorporated entity.

11. No parking of vehicles will be permitted on any portion of the Common Area that provides access from South Main Street, ie Langdon Avenue, including the new Limited Common Area assigned to new Unit 3.

[Signature page follows]

Executed this ____ day of _____, 2021.

P & M REALTY OF CONCORD, LLC
Declarant and Owner of Land Unit 2

By: _____
Name: Peter Bloomfield
Its: Manager

EVOLUTION REALTY, LLC
Owner of Land Unit 1

By: _____
Name: _____
Its: _____

President
The Steam Power Business Center
Condominium

EXHIBIT A-2

**Description of New Land Units 2, 3, 4 and new limited common areas
assigned to land units 3 and 4 and remaining common area**

Legal Description – New Land Unit 2
(14.58 Acres)

Beginning at a point located at the southeasterly most corner of New Common Area “A”; thence, along New Common Area “A” N03°00’15”W a distance of 54.77 feet to a point at the southwesterly most corner of Land Unit 3; thence along Land Unit 3 N86°14’51”E a distance of 395.33 feet to a point on the westerly sideline of land now or formerly of Boston & Maine Corp.; thence, along land of said Boston and Maine Corp. S03°45’10”E a distance of 1918.52 feet to a point; said point being located N03°45’10” W a distance of 125.08 feet from a concrete bound at an angle point of land of said Boston & Maine Corp.; thence, from the last mentioned point and running along a conservation easement line being further identified as Limited Common Area for Land Unit 2 (“LCA 2”) N27°02’15”W a distance of 265.73 feet to a point; thence, still along LCA 2 N34°26’35”W a distance of 182.32 feet to a point; thence, continuing along LCA 2 N21°42’30”W a distance of 1147.54 feet to a point on the southerly line of Land Unit 4; thence, along Land Unit 4 N86°59’46”E a distance of 100.28 feet to a point; thence, still along Land Unit 4 N03°32’43”W a distance of 373.26 feet to a point at the southwesterly corner of New Common Area “A”; thence, along New Common Area “A” N86°59’46”E a distance of 54.18 feet to the point of beginning.

Containing 634,942 Sq. Ft. or 14.58 Ac.

Legal Description – New Land Unit 3
(2.5 acres)

Beginning at a point marking the southwesterly most corner of the premises herein described; said point being on the easterly line of New Common Area “A” and the northerly line of Land Unit 2; thence, running along New Common Area “A” N03°00’15”W a distance of 239.24 feet to a point; thence, N33°42’40”E a distance of 51.81 feet to a point at the southwesterly corner of Limited Common Area 3 (“LCA 3”); thence, along LCA 3 N86°32’05”E a distance of 139.56 feet to a point; thence; continuing along LCA 3 N87°03’35”E a distance of 140.66 feet to a point; thence, still along LCA 3 N86°14’50”E a distance of 80.49 feet to a point on the westerly line of land now or formerly of Boston & Maine Corp.; thence, along land of said Boston & Maine Corp. S03°45’10”E a distance of 277.65 feet to a point at Land Unit 2; thence, along Land Unit 2 S86°14’51”W a distance of 395.33 feet to the point of beginning.

Containing 109,176 Sq. Ft. or 2.50 Ac.

Description of Limited Common Area assigned to Land Unit 3
(0.56 acres)

Beginning at a point on the southerly line of land now or formerly of the Donald P. Steenbeke Revocable Trust; said point marking the northwesterly most corner of the premises herein described; thence, along land of said Trust, land now or formerly of RESM Developments, LLC and other land now or formerly of the Donald P. Steenbeke Revocable Trust N86°59'45"E a distance of 359.82 feet to a point at land now or formerly of Boston & Maine Corp.; thence, along land of said Boston & Maine Corp. S03°45'10"E a distance of 67.36 feet to a point at the northeast corner of Land Unit 3; thence, along Land Unit 3 S86°14'50"W a distance of 80.49 feet to a point; thence, continuing along Land Unit 3 S87°03'35"W a distance of 140.66 feet to a point; thence, S86°32'05"W a distance of 139.52 feet to a point on the easterly line of New Common Area "A"; thence, along New Common Area "A" N03°00'14"W a distance of 69.37 feet to the point of beginning.

Containing 24,674 Sq. ft. or 0.56 Ac.

Legal Description – New Land Unit 4
(2.09 acres)

Beginning at a point marking the northeasterly most corner of the premises herein described; said point being on the westerly line of New Common Area “A”; thence, along New Common Area “A” and the westerly line of Land Unit 2 S03°32’43”E a distance of 476.03 feet to a point; thence, still along Land Unit 2 S86°59’46”W a distance of 100.28 feet to a point at a conservation easement line further identified as Limited Common Area for Land Unit 2

(“LCA 2”); thence, along LCA 2 N21°42’27”W a distance of 303.79 feet to a point; thence, still along LCA 2 S87°01’50”W a distance of 70.00 feet to a point on the easterly line of land now or formerly of South Concord Holdings, LLC; thence, along land of South Concord Holdings, LLC N02°58’10”W a distance of 163.00 feet to a concrete bound at land now or formerly of Unitil Energy Systems, Inc.; thence along land of said Unitil N87°04’25”E a distance of 49.98 feet to a concrete bound; thence, still along land of said Unitil N02°57’30” W a distance of 25.28 feet to a point at Land Unit 1; thence, along Land Unit 1 N86°59’45”E a distance of 213.10 feet to the point of beginning.

Containing 90,925 Sq. Ft. or 2.09 Ac.

**Legal Description of the two (2) Limited Common Areas
assigned to Unit 4 / Withdrawable Land**

Limited Common Area 4-1 (withdrawable Land 4-1) (0.43 acres)

Beginning at a concrete bound on the easterly sideline of South Main Street; said point being at the southwesterly corner of land now or formerly of Jefkel Holdings, LLC and marking the northwesterly most corner of the premises herein described; thence, along land of said Jefkel Holdings, LLC S89°47'20"E a distance of 146.17 feet to a point at a conservation easement line further identified as Limited Common Area 2 ("LCA 2"); thence, along LCA 2 S14°10'00"W a distance of 144.19 feet to a point; thence, still along LCA 2 N89°47'20"W a distance of 122.02 feet to a point on the easterly sideline of South Main Street; thence, along South Main Street N05°29'50"E a distance of 115.27 feet to a point; thence, still along South Main Street N00°14'15"E a distance of 25.16 feet to the point of beginning.

Containing 18,632 Sq. ft. or 0.43 Ac.

Limited Common Area 4-2 (withdrawable Land 4-2) (0.76 acres)

Beginning at point identified as point "A" on the easterly line of land now or formerly of Jonathan Ruggles Revocable Trust; said point being further identified as being N02°58'10"W a distance of 383.89 feet from a rebar at an angle point of land now or formerly of Jefkel Holdings, LLC; thence, from said point "A" running along land now or formerly of Jonathan Ruggles Revocable Trust, land now or formerly of Ernest & Lisa Mills, land now or formerly of Ernest S. Mills d/b/a P & M Heating, and land now or formerly of Elmills Rental Properties, LLC N02°58'10"W a distance of 310.00 feet to a point identified as point "B" at a conservation easement line further identified as Limited Common Area 2 ("LCA 2"), thence, along LCA 2 S85°12'30"E a distance of 80.00 feet to a point; thence, still along LCA 2 S22°25'10"E a distance of 240.00 feet to a point; thence, continuing along LCA 2 N62°24'54"E a distance of 175.00 feet to the point of beginning.

Containing 33,106 Sq. Ft. or 0.76 Ac.

Legal Description of “New” Common Area
(0.73 acres)

Beginning at a point situated on the easterly sideline of South Main Street at its intersection with Langdon Avenue, said point marking the northwesterly most corner of the premises herein described and the southwest corner of land now or formerly of J & S Commercial Condominium; thence, through the traveled way of Langdon Avenue and along land of said J & S Commercial Condominium N86°32'05"E a distance of 382.62 feet to a rebar; thence, still along said Condominium land and land now or formerly of the Donald P. Steenbeke Revocable Trust N03°00'15"W a distance of 44.81 feet to a point; thence, continuing along land of said Donald P. Steenbeke Revocable Trust N86°59'45"E a distance of 54.97 feet to a point at the northwesterly corner of Limited Common Area for Unit 3 ("LCA 3"); thence, along LCA 3 S03°00'14"E a distance of 69.37 feet to a point at Land Unit 3; thence, along Land Unit 3 S33°42'40"W a distance of 51.81 feet to a point; thence, along said Land Unit 3 S03°00'15"E a distance of 249.58 feet to a point at Land Unit 2; thence, along Land Unit 2 S03°00'15"E a distance of 44.43 feet to a point; thence, S86°59'46"W a distance of 54.18 feet to a point on the easterly line of Land Unit 4; thence, along Land Unit 4 N03°32'43"W a distance of 102.76 feet to a point on the southerly line of Land Unit 1; thence, N86°59'45"E a distance of 5.16 feet to a point; thence, along said Land Unit 1 N03°00'15"W a distance of 191.25 feet to a point; thence, N39°43'10"W a distance of 50.69 feet to a point; thence, still along Land Unit 1 S86°32'05"W a distance of 328.52 feet to a point on the easterly sideline of South Main Street; thence, along South Main Street N02°02'15"E a distance of 25.12 feet to the point of beginning.

Containing 31,911 Sq. Ft. or 0.73 Ac.

EXHIBIT B

Units and Common Area Percentage Interests/Votes Appurtenant thereto

Unit Number	Size	% Interest
Land Unit 1	1.50 acres	7.0%
Land Unit 2	14.57 acres	71.0%
Land Unit 3	2.50 acres	12.0%
Land Unit 4	2.08 acres	10.0%
	20.65 acres	100.0%

Limited Common Area 4-1 assigned to Land Unit 4 / Withdrawable Land A = 0.43 acres

Limited Common Area 4-2 assigned to Land Unit 4 / Withdrawable Land B = 0.76 acres

Limited Common Area assigned to Unit 2 / Conservation Easement = 12.78 acres

Limited Common Area assigned to Land Unit 3 = 0.57 acres

Common Area A for the use of all units = 1.17 acres