

## TRAIL AND LICENSE AGREEMENT

**THIS FIRST AMENDMENT TO TRAIL AND LICENSE AGREEMENT (“First Amendment”)** is made this \_\_\_ day of \_\_\_\_, 2021, by and between the City of Concord, a municipal corporation having a place of business at 41 Green Street, Concord, NH 03301 (“City” or “Grantor”), being the owner and easement holder of a certain parcels of land situated in the City of Concord, New Hampshire, and Friends of the Concord-Lake Sunapee Rail Trail, a non-profit corporation, with its principal place of business at P.O. Box 610, Warner, New Hampshire 03278 (“FCLSRT” or the “Grantee”). The City and FCLSRT are sometimes referred to herein each as “Party” and together as “Parties.”

### RECITALS

WHEREAS, the Grantor and Grantee are Parties to a Trail and License Agreement dated June 20, 2018 relative to property located on the east side of Carter Hill Rd, in the City of Concord, more particularly described as Map 37Z, Lot 26 and Map 37Z, Lot 79;

WHEREAS, the Grantor and Grantee now desire to amend the Trail and License Agreement to include the property along the former railroad corridor on City of Concord Assessing Map 36Z, Lot 2 (Lehtinen Park) and Map 33, Lot 36 (parcel north of North Yard State Forest), both of which are properties managed by the Concord Conservation Commission;

WHEREAS, on June 9, 2021, the Concord Conservation Commission voted to approve a request from FCLSRT to construct and manage a trail along the existing rail corridor through Map 36Z, Lot 2 (Lehtinen Park) and Map 33, Lot 36 (parcel north of North Yard State Forest);

NOW THEREFORE, the parties agree as follows:

1. The Trail and License Agreement is hereby amended to include the City-owned properties described as Map 26Z, Lot 2 and Map 33Z, Lot 36.
2. The Trail shall be constructed in the approximate location shown on Appendix B, attached hereto.
3. All other provisions of the Trail and License Agreement not amended hereby shall remain in full force and effect in accordance with their terms and are hereby ratified and confirmed.

**EXECUTION**

IN WITNESS WHEREOF, the parties hereto have executed this Agreement in triplicate on this \_\_\_\_\_ day of August 2021.

**CITY OF CONCORD**

\_\_\_\_\_  
Date

By: \_\_\_\_\_  
Thomas J. Aspell, Jr.  
City Manager  
Duly Authorized

Authority for the City Manager to enter in this Agreement and License was granted by the City Council on July \_\_\_\_, 2021, and is hereby incorporated into this Agreement by reference.

The **Friends of the Concord-Lake Sunapee Rail Trail** accepts this Agreement and License and the terms contained therein.

*FRIENDS OF THE CONCORD-LAKE SUNAPEE  
RAIL TRAIL*

\_\_\_\_\_  
Date

By: \_\_\_\_\_  
Tim Blagden  
Its: President  
Duly Authorized



APPENDIX B

(see attached map)