

RETURN TO:  
NH DEPARTMENT OF ENVIRONMENTAL SERVICES  
29 HAZEN DRIVE  
PO BOX 95  
CONCORD, NH 03302-0095

***DEED OF EASEMENT  
MAINTENANCE EASEMENT***

**THE CITY OF CONCORD**, a municipal corporation with a usual place of business at 41 Green Street, Concord, Merrimack County, State of New Hampshire 03301 (“Grantor”) for good and valuable consideration, grants to the **THE STATE OF NEW HAMPSHIRE**, acting through its **DEPARTMENT OF ENVIRONMENTAL SERVICES**, an administrative agency duly organized and existing under the laws of the State of New Hampshire, with a principal place of business at 29 Hazen Drive, Concord, Merrimack County, State of New Hampshire, 03302 (“Grantee”), with QUITCLAIM COVENANTS, the following permanent 30-foot wide maintenance easement pursuant to Grantee’s Waiver Approval No. DES-SW-WV-19-001, on file at the City of Concord’s Community Development Department, across a portion of the land of the Grantor. Said portion of land is located on a piece of property known as Map 110, Block 6, Lot 8 on the City of Concord Assessor’s Maps, has an address of 109 Old Turnpike Road, Concord, Merrimack County, State of New Hampshire, and is more particularly described as follows:

**PERMANENT MAINTENANCE EASEMENT**

Beginning at a 4” X 4” granite bound with a drill hole, 6” exposed, at the southwesterly corner of the herein described easement, said granite bound also being the southwesterly corner of land of the Grantor, the northeasterly corner of land now or formerly of VOW Holdings, LLC, known as Map 110, Block 6, Lot 7, and also at other land of the Grantor known as Map 110, Block 6, Lot 3; thence

North 01° 11' 20" East along the westerly line of land of the Grantor, and other land of the Grantor known as Map 110, Block 6, Lot 3, a distance of 266.34 feet to a 4" x 4" granite bound set 6" exposed on October 24, 2018; thence

North 39° 29' 30" East along the westerly line of land of the Grantor, and other land of the Grantor known as Map 110, Block 6, Lot 3, a distance of 65.00 feet to a 4" x 4" granite bound set 6" exposed on October 24, 2018; thence

South 50° 30' 30" East along the easterly line of land of the Grantor, and the southwesterly line of land now or formerly of R.A. Benson Associates, LLC, known as Map 110A, Block 4, Lot 28, a distance of 30 feet to a point; thence

South 39° 29' 30" West across land of the Grantor a distance of 55 feet, more or less, to a point; thence

South 01° 11' 20" West across land of the Grantor a distance of 279 feet, more or less to a point on the southerly line of land of the Grantor, and the easterly line of land now or formerly of VOW Holdings, LLC, known as Map 110, Block 6, Lot 7; thence

North 52° 00' 01" West along the southerly line of land of the Grantor, and the easterly line of land now or formerly of VOW Holdings, LLC, known as Map 110, Block 6, Lot 7, a distance of 36 feet, more or less to the point of beginning.

Containing 9,892 square feet, more or less, and meaning and intending to describe a permanent 30-foot wide maintenance easement pursuant to NH Department of Environmental Services Waiver Approval No. DES-SW-WV-19-001, across a portion of land conveyed to the Grantor by deed of Concord Lumber Company, dated November 18, 1968, and recorded at the Merrimack County Registry of Deeds on December 2, 1968, at Book 1042, Page 65, and by deed of Richard D. Haggerty dated May 1, 1992, and recorded at the Merrimack County Registry of Deeds on May 1, 1992, at Book 1882, Page 2459.

See also plan entitled "Resubdivision Plat prepared for the City of Concord, Project Location: Map 110, Block 6, Lot 3 & 8, 109 Old Turnpike Road, Concord, NH," dated Sept. 17, 2018, revised through 10/26/18, prepared by Richard D. Bartlett & Associates, LLC, and recorded at the Merrimack County Registry of Deeds as Plan Number 201800021266.

See also plan entitled “City of Concord, New Hampshire, Community Development Department, Engineering Services Division, CIP 560 Fire Training Facility, 109 Old Turnpike Road,” dated 9/19/2018, and on file at the City of Concord Community Development Department’s Engineering Services Division as Permanent Plan Number 3870.

The Grantor, its successors, and assigns, agree that:

- a. No permanent structures shall be located within the 30-foot maintenance easement;
- b. The City of Concord and any subsequent landfill owner or responsible party, NHDES, and their designees, shall be granted access to the easement and authorization to perform any work required within the easement to maintain compliance with the subject landfill’s permit, the NH Solid Waste Rules (Env-Sw 100 et seq.), and RSA 149-M, as each may be amended from time to time, including landfill related post-closure inspection, monitoring, maintenance, and repair;
- c. No activity or use of the 30-foot maintenance easement shall restrict or impede landfill related post-closure inspection, monitoring, maintenance and repair work, or compliance with any other requirements of the landfill’s permit, the NH Solid Waste Rules (Env-Sw 100 et seq.), or RSA 149-M, as each may be amended from time to time; and
- d. The terms of the easement shall not be modified without the prior written consent of the New Hampshire Department of Environmental Services.

Concord City Council approval for the conveyance of this easement deed was granted by the City Council at its regular meeting on April 8, 2019.

*Executed* this \_\_\_\_\_ day of April, 2019.

**The City of Concord**

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Thomas J. Aspell, Jr.  
City Manager  
Duly Authorized

State of New Hampshire  
County of Merrimack

Personally appeared Thomas J. Aspell, Jr., City Manager of the City of Concord, this \_\_\_\_ day of April, 2019, and acknowledged the foregoing on behalf of the City of Concord.

\_\_\_\_\_  
Justice of the Peace/Notary Public  
My commission expires:\_\_\_\_\_

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

ACCEPTED: NH Department of Environmental Services

By: \_\_\_\_\_  
Signature

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_  
Duly Authorized

Date: \_\_\_\_\_

State of New Hampshire  
County of Merrimack

Personally appeared \_\_\_\_\_,  
\_\_\_\_\_ of the New Hampshire Department of  
Environmental Services, this \_\_\_\_\_ day of \_\_\_\_\_, 2019, and acknowledged  
the foregoing on behalf of the said New Hampshire Department of Environmental Services.

\_\_\_\_\_  
Justice of the Peace/Notary Public  
My commission expires: \_\_\_\_\_