

RETURN TO:
CITY OF CONCORD
COMMUNITY DEVELOPMENT DEPARTMENT
ENGINEERING SERVICES DIVISION
41 GREEN STREET
CONCORD, NH 03301

DEED OF EASEMENT
PUBLIC TRAFFIC CONTROL SIGNAL CABINET EASEMENT

STATE PLEASANT STREET, LLC, a New Hampshire limited liability company, having an address of 440 Hanover Street, Manchester, Hillsborough County, State of New Hampshire 03104 (the “Grantor”), for consideration paid, grants to 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 (the “Grantee”), with QUITCLAIM COVENANTS, a permanent public traffic control signal cabinet easement with the perpetual right and easement to enter upon and to construct or build, and to reenter as necessity may require, to repair, replace, or maintain the signal controller cabinet in, on, or through a portion of the Grantors’ land. Said portion of land is located on a piece of property adjacent to the mapped limits of Pleasant Street and South State Street, Concord, Merrimack County, State of New Hampshire, known as Map 7441Z, Lot 11 on the City of Concord Assessor’s Maps, formerly known as Map 35, Block 6, Lot 20, has an address of 19 Pleasant Street, Concord, Merrimack County, State of New Hampshire, and said permanent traffic control signal cabinet easement is more particularly described as follows:

Public Traffic Control Signal Cabinet Easement

Beginning at a point in the intersection of the easterly line of South State Street with the southerly line of Pleasant Street; thence

North 72° 46’ East by said southerly line of Pleasant Street 8 feet to a point; thence

South 7° 30’ East across land of the Grantor and parallel to the easterly line of South State Street a distance of 8 feet to a point; thence

South 72° 46' West across land of the Grantor and parallel to the southerly line of Pleasant Street a distance of 8 feet to a point on the easterly line of South State Street; thence North 7° 30' West along the easterly line of South State Street a distance of 8 feet the point of beginning.

Containing 64 square feet, more or less, and meaning and intending to describe a permanent public traffic control signal cabinet easement across a portion of land conveyed to the Grantor by deed of Arthur W. Aznive, Trustee of the "Snaphuance Real Estate Trust" recorded at the Merrimack County Registry of Deeds on September 29, 2017, at Book 3571, Page 2501.

This deed was prepared without the benefit of a boundary survey and the courses used in the above legal description are based on the courses as used in the deed from Arthur Aznive to State Pleasant Street, LLC, recorded at Book 3571, Page 2501, and the intent of this easement deed is to convey an eight foot by eight foot parallelogram at the northwest corner of the Grantor's land at the southeast corner of the intersection of Pleasant Street and South State Street.

It is a condition of this easement deed that the Grantee shall not place any structure within the easement area that exceeds the proposed dimensions of the signal controller cabinet and foundation, which is 3.5 feet by 4.5 feet, without the express permission of the Grantor, which shall not be unreasonably withheld upon the request of the Grantee.

The Grantor, its successors, and assigns, agree that they will not, without the consent of the Grantee, alter, erect, or maintain any building or other improvement, including landscaping, upon the above-described easement area that may unreasonably interfere with or endanger the above-granted rights and easement or the operation and maintenance thereof, and that the Grantee may cause to have removed any such building or improvement, including landscaping, that may be wholly or partly within the above-described easement area at the expense of the then owner of the land upon which the above-described easement lies.

Executed this _____ day of _____, 2022.

State Pleasant Street, LLC

By: Its Manager

4th EG Holding, LLC

By: Newton H. Kershaw, III

Its: Manager

Duly Authorized

State of New Hampshire

County of _____

The foregoing instrument was acknowledged before me this ____ day of _____, 2022, by Newton H. Kershaw, III in his capacity as Manager of 4th EG Holding LLC, being the Manager of State Pleasant Street, LLC, and acknowledged that he executed the same for the the purposes therein contained.

Justice of the Peace/Notary Public

My commission expires:_____

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

By signing below, the undersigned mortgagee / lienholder, Franklin Savings Bank, of 585 Mast Road, Goffstown, Hillsborough County, State of New Hampshire 03102, holder of a Mortgage Deed and Security Agreement dated November 25, 2020, and recorded against the above described property at the Merrimack County Registry of Deeds on November 25, 2020, at Book 3710, Page 73, and the holder of a Collateral Assignment of Leases and Rents dated November 25, 2020, and recorded against the above described property at the Merrimack County Registry of Deeds on November 25, 2020, at Book 3710, Page 93, and the holder of a Modification of Mortgage Deed and Security Agreement and Collateral Assignment of Leases and Rents dated March 15, 2021, and recorded against the above described property at the Merrimack County Registry of Deeds on April 16, 2021, at Book 3734, Page 141, consents to and joins in the easement conveyance described herein and above.

Executed this _____ day of _____, 2022.

Franklin Savings Bank

By: John L. Bortolotto
Its: Regional Vice President
Duly Authorized

State of New Hampshire
County of _____

The foregoing instrument was acknowledged before me this _____ day of _____, 2022, by John L. Bortolotto, in his capacity as Regional Vice President of Franklin Savings Bank, and acknowledged that he executed the same for the purposes therein contained.

Justice of the Peace/Notary Public
My commission expires: _____

Concord City Council approval for the acceptance of this easement deed was granted at its regular meeting on _____, 2022.

ACCEPTED: City of Concord

By: Thomas J. Aspell, Jr.
Title: City Manager
Date: _____, 2022

State of New Hampshire
County of Merrimack

Personally appeared Thomas J. Aspell, Jr., City Manager of the City of Concord, this _____ day of _____, 2022, and acknowledged the foregoing on behalf of the City of Concord.

Justice of the Peace/Notary Public
My commission expires: _____