



## RESOLUTION

### AUTHORIZING THE ACCEPTANCE OF A DRAINAGE EASEMENT AT 25 POND STREET

### *CITY OF NASHUA*

*In the Year Two Thousand and Eleven*

**RESOLVED** by the Board of Aldermen of the City of Nashua to authorize acceptance of a permanent drainage easement and temporary construction easements at 25 Pond Street (Sheet 16, Lot 30), from owner 28 Pond Street Realty, LLC, substantially the same as the attached easement deed and as shown on the attached plan.

The cost of the easement is \$3,000.00 and will come from account number 792-3748 - Harbor Avenue Area Sewer Separation Project.

## EASEMENT DEED

KNOW ALL PERSONS BY THESE PRESENTS, that 28 Pond Street Realty, LLC, a corporation having its principal place of business at 28 Pond Street, Nashua, NH, 03060 (hereinafter called the "Grantor"), for consideration paid, grants to the City of Nashua, a municipal corporation having its principal place of business at 229 Main Street, Nashua, NH, 03061 and its successors and assigns forever, (hereinafter called the "Grantee") with Warranty covenants, the perpetual rights and easements more particularly described below, in, over, under, through and across a certain tract of land located at 25 Pond Street in the City of Nashua, County of Hillsborough, State of New Hampshire, conveyed to the Grantor by deed recorded at the Hillsborough County Registry of Deeds at Book 6341, Page 1940. Said easements are shown as "Proposed Drainage Easements" on a plan entitled "Easement Plan (Lot 30, Map 16) Harbor Avenue, Nashua, New Hampshire, prepared for the City of Nashua Division of Public Works by Hayner/Swanson, Inc., dated October 5, 2010", recorded at the Hillsborough County Registry of Deeds as plan no. \_\_\_\_\_.

The rights and easements are particularly described and bounded as follows:

### Permanent Drainage Easement "A"

The perpetual right of access to, under, through and across said Land for all purposes in connection with the exercise of the right to excavate earth and materials on said Land, the right to construct, maintain, operate, repair, clear and reconstruct storm drains and related equipment and devices, the right to remove natural and manmade obstructions as necessary or desirable to effect the location, construction, maintenance, replacement and operation of said sewer and storm drains and related equipment and devices, and the right to go upon the land when working on sidelines and associated equipment. The Grantee shall construct the storm drain and easement area as shown on the approved contract plans for the "Harbor Avenue Area Sewer Separation Project, SRF Project No. CS-330158-25".

The bounds of this easement are as follows:

A certain parcel of land situated on the southwesterly side of Harbor Avenue in the City of Nashua, County of Hillsborough, State of New Hampshire, and is more particularly described as follows:

Commencing on the southwesterly sideline of Harbor Avenue at the southerly end of the rounding curve from Pond Street; thence

S 32° 03' 03" E, a distance of 263.00 feet by said sideline of Harbor Avenue to a point of beginning; thence

S 32° 03' 03" E, a distance of 50.00 feet by said sideline of Harbor Avenue to a point; thence

S 47° 11' 39" W, a distance of 132.00 feet to a point; thence

N 53° 48' 46" W, a distance of 38.0 feet, more or less, to the center of Salmon Brook; thence

Northerly and westerly, a distance of 58.0 feet, more or less, by said center of Salmon Brook to a point, said point being N 08° 41' 09" W and 50.08 feet from the last course; thence

N 61° 00' 47" W, a distance of 124.0 feet, more or less, to the point of beginning.

Said easement contains 8,558 Sq. Ft., more or less.

### **10 Foot Temporary Construction Easement "B"**

The temporary right of access to, under, through and across said Land for all purposes in connection with the exercise of the right to excavate adjacent earth and materials and construct, maintain, operate, repair, clear and reconstruct adjacent storm drains and related equipment and devices, and the right to go upon the land when working on sidelines and associated equipment. The Grantee shall restore any area disturbed by its work to as near the original condition as possible.

The bounds of this easement are as follows:

A certain parcel of land situated on the southwesterly side of Harbor Avenue in the City of Nashua, County of Hillsborough, State of New Hampshire, and is more particularly described as follows:

Commencing on the southwesterly sideline of Harbor Avenue at the southerly end of the rounding curve from Pond Street; thence

S 32° 03' 03" E, a distance of 252.99 feet by said sideline of Harbor Avenue to a point of beginning; thence

S 32° 03' 03" E, a distance of 10.01 feet by said sideline of Harbor Avenue to a point at the proposed Permanent Easement herein-described; thence

S 61° 00' 47" W, a distance of 124.0 feet, more or less, by said proposed Permanent Easement to the center of Salmon Brook; thence

Northwesterly, a distance of 10.0 feet, more or less, by said center of Salmon Brook to a point; thence

N 61° 00' 47" E, a distance of 126.0 feet, more or less, to the point of beginning.

Said easement contains 1,248 Sq. Ft., more or less.

**10 Foot Temporary Construction Easement "C"**

The temporary right of access to, under, through and across said Land for all purposes in connection with the exercise of the right to excavate adjacent earth and materials and construct, maintain, operate, repair, clear and reconstruct adjacent storm drains and related equipment and devices, and the right to go upon the land when working on sidelines and associated equipment. The Grantee shall restore any area disturbed by its work to as near the original condition as possible.

The bounds of this easement are as follows:

A certain parcel of land situated on the southwesterly side of Harbor Avenue in the City of Nashua, County of Hillsborough, State of New Hampshire, and is more particularly described as follows:

Commencing on the southwesterly sideline of Harbor Avenue at the southerly end of the rounding curve from Pond Street; thence

S 32° 03' 03" E, a distance of 313.00 feet by said sideline of Harbor Avenue to a point of beginning, said point being on the easterly side of a proposed Permanent Easement herein described; thence

S 32° 03' 03" E, a distance of 10.18 feet by said sideline of Harbor Avenue to a point; thence

S 47° 11' 39" W, a distance of 128.16 feet to a point; thence

N 53° 48' 46" W, a distance of 10.19 feet to a point at said proposed Permanent Easement; thence

N 47° 11' 39" E, a distance of 132.00 by said proposed Permanent Easement to the point of beginning.

Said easement contains 1,301 Sq. Ft., more or less.

IN WITNESS WHEREOF, 28 Pond Street Realty, LLC has caused this Easement Deed to be executed in its name and behalf by 314-315 Main Street Marketplace, LLC, by Mr. John Roberts, its Managing Member, being hereunto duly authorized this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

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

Print Name: \_\_\_\_\_

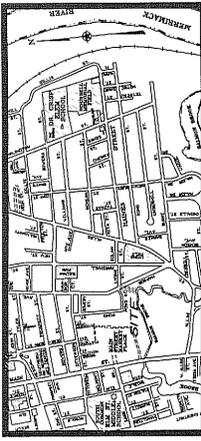
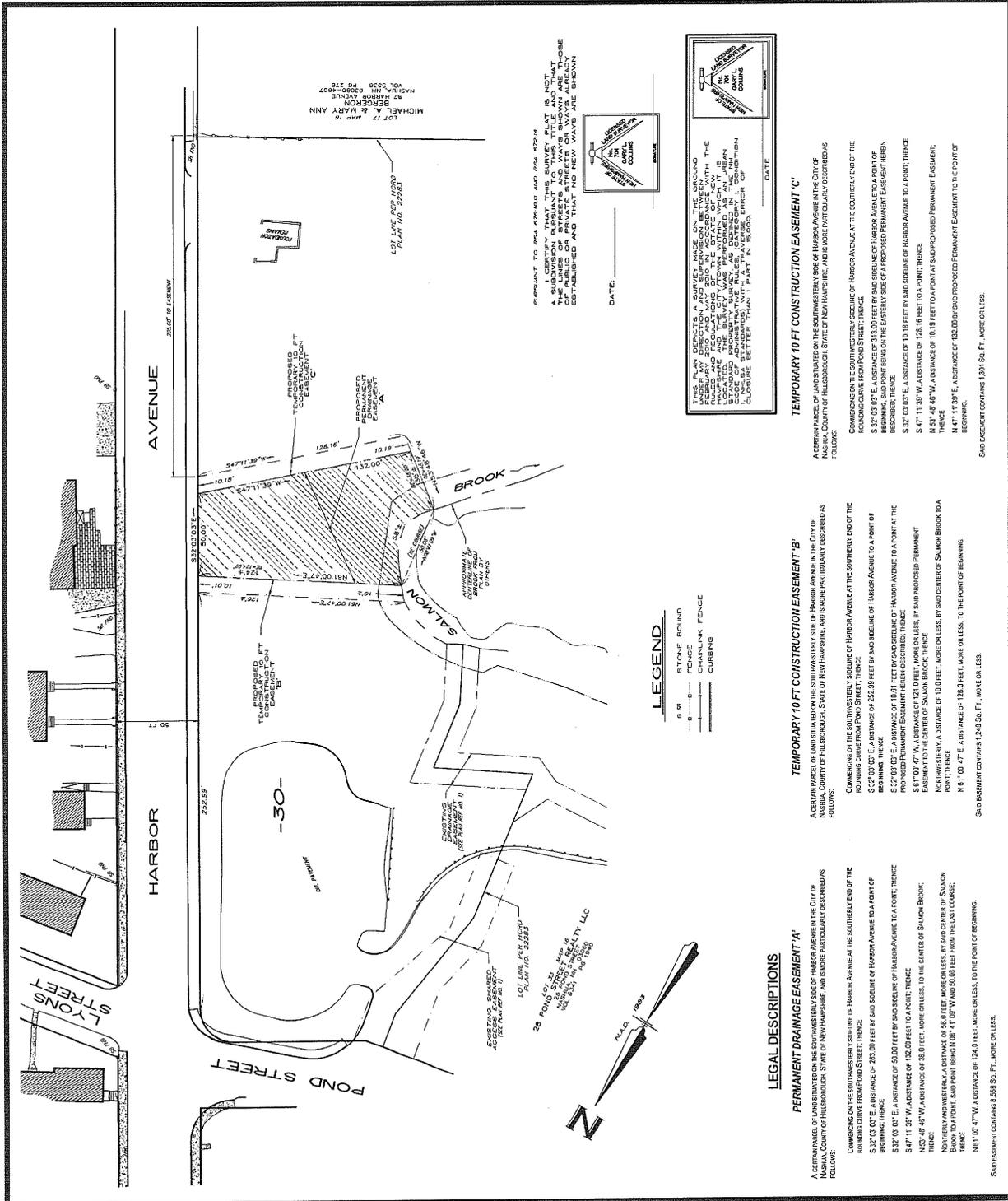
STATE OF NEW HAMPSHIRE

COUNTY OF HILLSBOROUGH

On this the \_\_\_\_\_ day of \_\_\_\_\_, 2011, before me, the undersigned officer, personally appeared \_\_\_\_\_, who acknowledged himself or herself to be the \_\_\_\_\_ of 28 Pond Street Realty, LLC, and acknowledged that he or she, as such officer being authorized to do so, executed the same on behalf of said corporation for the purposes therein contained.

\_\_\_\_\_  
Justice of the Peace / Notary Public

Commission Expires on: \_\_\_\_\_



**PLAN REFERENCE:**  
 1. CONSULTATION/DRAINAGE EASEMENT PLAN, HARBOR AVE. & POND ST., NASHUA, NEW HAMPSHIRE, PREPARED FOR S.R. REALTY TRUST, DATED: MAY 24, 1988, SCALE: 1"=40'. RECORDED: 1480 - PLAN NO. 2235

**NOTES:**  
 1. LOT NUMBERS REFER TO THE CITY OF NASHUA ASSESSOR'S MAP 16.  
 2. TO CREATE PERMANENT DRAINAGE EASEMENT 'A' AND TEMPORARY DRAINAGE EASEMENT 'B' & 'C' ON LOT 28, MAP 16.  
 3. OWNER OF RECORD: MOP 11  
 28 POND STREET REALTY LLC  
 NASHUA, NH 03083  
 VOL. 0481, PG. 1840

28 POND STREET REALTY, LLC  
 28 POND STREET, NASHUA, NH 03083  
 JOHN R. ROBERTS  
 178 WILKINSBURG HIGHWAY  
 DATE: \_\_\_\_\_

| NO. | DATE | REVISION |
|-----|------|----------|
|     |      |          |
|     |      |          |
|     |      |          |
|     |      |          |

**EASEMENT PLAN**  
 (LOT 30, MAP 16)  
**HARBOR AVENUE**  
 NASHUA, NEW HAMPSHIRE  
 PREPARED FOR:  
*City of Nashua Division of Public Works*  
 9 RIVERSIDE STREET NASHUA, NH 03082 (603) 889-3120  
**RECORD OWNERS:**  
**28 POND STREET REALTY LLC**  
 NASHUA, NEW HAMPSHIRE 30380

SCALE: 1"=20' HORIZONTAL  
 1"=30' VERTICAL  
**5 OCTOBER 2010**

**HSI**  
 City of Nashua  
 Three Congress Street, Nashua, New Hampshire 03082-1001  
 Tel: (603) 882-2607  
 www.cityofnashua.com

|                     |                     |                          |                        |
|---------------------|---------------------|--------------------------|------------------------|
| ISS. DATE: 10/15/10 | ISS. TIME: 10:15 AM | SCALE: 1"=20' HORIZONTAL | SCALE: 1"=30' VERTICAL |
| DATE: 10/15/10      | TIME: 10:15 AM      | SCALE: 1"=20' HORIZONTAL | SCALE: 1"=30' VERTICAL |
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| DATE: 10/15/10      | TIME: 10:15 AM      | SCALE: 1"=20' HORIZONTAL | SCALE: 1"=30' VERTICAL |

**TEMPORARY 10 FT CONSTRUCTION EASEMENT 'C'**  
 A CERTAIN PARCEL OF LAND SITUATED ON THE SOUTHWESTERN SIDE OF HARBOR AVENUE IN THE CITY OF NASHUA, COUNTY OF HILLSBOROUGH, STATE OF NEW HAMPSHIRE, AND IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING ON THE SOUTHWESTERN CORNER OF HARBOR AVENUE AT THE SOUTHERLY END OF THE PROPOSED PERMANENT DRAINAGE EASEMENT 'B' (HEREINAFTER REFERRED TO AS "POINT OF BEGINNING"), SAID POINT BEING ON THE EASTERN SIDE OF A PROPOSED PERMANENT EASEMENT 'B' DESCRIBED, THENCE  
 S 32° 03' 03" E, A DISTANCE OF 10.18 FEET BY SAID SIDELINE OF HARBOR AVENUE TO A POINT, THENCE  
 S 32° 03' 03" E, A DISTANCE OF 128.16 FEET TO A POINT, THENCE  
 N 37° 48' 45" W, A DISTANCE OF 10.19 FEET TO A POINT AT SAID PROPOSED PERMANENT EASEMENT, THENCE  
 N 47° 11' 39" E, A DISTANCE OF 132.00 FEET BY SAID PROPOSED PERMANENT EASEMENT TO THE POINT OF BEGINNING.

**TEMPORARY 10 FT CONSTRUCTION EASEMENT 'B'**  
 A CERTAIN PARCEL OF LAND SITUATED ON THE SOUTHWESTERN SIDE OF HARBOR AVENUE IN THE CITY OF NASHUA, COUNTY OF HILLSBOROUGH, STATE OF NEW HAMPSHIRE, AND IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING ON THE SOUTHWESTERN CORNER OF HARBOR AVENUE AT THE SOUTHERLY END OF THE PROPOSED PERMANENT DRAINAGE EASEMENT 'A' (HEREINAFTER REFERRED TO AS "POINT OF BEGINNING"), SAID POINT BEING ON THE EASTERN SIDE OF A PROPOSED PERMANENT EASEMENT 'A' DESCRIBED, THENCE  
 S 32° 03' 03" E, A DISTANCE OF 852.89 FEET BY SAID SIDELINE OF HARBOR AVENUE TO A POINT AT THE PROPOSED PERMANENT DRAINAGE EASEMENT DESCRIBED, THENCE  
 S 81° 00' 47" W, A DISTANCE OF 19.0 FEET, MORE OR LESS, BY SAID PROPOSED PERMANENT DRAINAGE EASEMENT TO A POINT, THENCE  
 N 43° 48' 45" W, A DISTANCE OF 18.0 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

**TEMPORARY 10 FT CONSTRUCTION EASEMENT 'A'**  
 A CERTAIN PARCEL OF LAND SITUATED ON THE SOUTHWESTERN SIDE OF HARBOR AVENUE IN THE CITY OF NASHUA, COUNTY OF HILLSBOROUGH, STATE OF NEW HAMPSHIRE, AND IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING ON THE SOUTHWESTERN CORNER OF HARBOR AVENUE AT THE SOUTHERLY END OF THE PROPOSED PERMANENT DRAINAGE EASEMENT 'A' (HEREINAFTER REFERRED TO AS "POINT OF BEGINNING"), SAID POINT BEING ON THE EASTERN SIDE OF A PROPOSED PERMANENT EASEMENT 'A' DESCRIBED, THENCE  
 S 32° 03' 03" E, A DISTANCE OF 50.0 FEET BY SAID SIDELINE OF HARBOR AVENUE TO A POINT AT THE PROPOSED PERMANENT DRAINAGE EASEMENT DESCRIBED, THENCE  
 S 47° 11' 39" W, A DISTANCE OF 38.0 FEET, MORE OR LESS, TO THE CENTER OF SALMON BROOK, THENCE  
 N 43° 48' 45" W, A DISTANCE OF 50.0 FEET, MORE OR LESS, BY SAID CENTER OF SALMON BROOK TO A POINT, SAID POINT BEING 41.00 FEET FROM THE POINT OF BEGINNING, THENCE  
 N 81° 00' 47" W, A DISTANCE OF 124.0 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

**LEGAL DESCRIPTIONS**  
**PERMANENT DRAINAGE EASEMENT 'A'**  
 COMMENCING ON THE SOUTHWESTERN CORNER OF HARBOR AVENUE AT THE SOUTHERLY END OF THE PROPOSED PERMANENT DRAINAGE EASEMENT 'A' (HEREINAFTER REFERRED TO AS "POINT OF BEGINNING"), SAID POINT BEING ON THE EASTERN SIDE OF A PROPOSED PERMANENT EASEMENT 'A' DESCRIBED, THENCE  
 S 32° 03' 03" E, A DISTANCE OF 263.89 FEET BY SAID SIDELINE OF HARBOR AVENUE TO A POINT AT THE PROPOSED PERMANENT DRAINAGE EASEMENT DESCRIBED, THENCE  
 S 32° 03' 03" E, A DISTANCE OF 50.0 FEET BY SAID SIDELINE OF HARBOR AVENUE TO A POINT AT THE PROPOSED PERMANENT DRAINAGE EASEMENT DESCRIBED, THENCE  
 S 47° 11' 39" W, A DISTANCE OF 38.0 FEET, MORE OR LESS, TO THE CENTER OF SALMON BROOK, THENCE  
 N 43° 48' 45" W, A DISTANCE OF 50.0 FEET, MORE OR LESS, BY SAID CENTER OF SALMON BROOK TO A POINT, SAID POINT BEING 41.00 FEET FROM THE POINT OF BEGINNING, THENCE  
 N 81° 00' 47" W, A DISTANCE OF 124.0 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

**PERMANENT DRAINAGE EASEMENT 'B'**  
 COMMENCING ON THE SOUTHWESTERN CORNER OF HARBOR AVENUE AT THE SOUTHERLY END OF THE PROPOSED PERMANENT DRAINAGE EASEMENT 'B' (HEREINAFTER REFERRED TO AS "POINT OF BEGINNING"), SAID POINT BEING ON THE EASTERN SIDE OF A PROPOSED PERMANENT EASEMENT 'B' DESCRIBED, THENCE  
 S 32° 03' 03" E, A DISTANCE OF 852.89 FEET BY SAID SIDELINE OF HARBOR AVENUE TO A POINT AT THE PROPOSED PERMANENT DRAINAGE EASEMENT DESCRIBED, THENCE  
 S 81° 00' 47" W, A DISTANCE OF 19.0 FEET, MORE OR LESS, BY SAID PROPOSED PERMANENT DRAINAGE EASEMENT TO A POINT, THENCE  
 N 43° 48' 45" W, A DISTANCE OF 18.0 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

**PERMANENT DRAINAGE EASEMENT 'C'**  
 COMMENCING ON THE SOUTHWESTERN CORNER OF HARBOR AVENUE AT THE SOUTHERLY END OF THE PROPOSED PERMANENT DRAINAGE EASEMENT 'C' (HEREINAFTER REFERRED TO AS "POINT OF BEGINNING"), SAID POINT BEING ON THE EASTERN SIDE OF A PROPOSED PERMANENT EASEMENT 'C' DESCRIBED, THENCE  
 S 32° 03' 03" E, A DISTANCE OF 10.18 FEET BY SAID SIDELINE OF HARBOR AVENUE TO A POINT, THENCE  
 S 32° 03' 03" E, A DISTANCE OF 128.16 FEET TO A POINT, THENCE  
 N 37° 48' 45" W, A DISTANCE OF 10.19 FEET TO A POINT AT SAID PROPOSED PERMANENT EASEMENT, THENCE  
 N 47° 11' 39" E, A DISTANCE OF 132.00 FEET BY SAID PROPOSED PERMANENT EASEMENT TO THE POINT OF BEGINNING.

**LEGEND**  
 8 FT STONE BOUND  
 12 FT CHARCOAL FENCE  
 CURBING

**ADVISORY:**  
 THIS PLAN SHOWS A PROPOSED PERMANENT DRAINAGE EASEMENT 'A' AND TEMPORARY DRAINAGE EASEMENT 'B' AND 'C' ON LOT 30, MAP 16, NASHUA, NEW HAMPSHIRE, PREPARED FOR S.R. REALTY TRUST, DATED: MAY 24, 1988, SCALE: 1"=40'. RECORDED: 1480 - PLAN NO. 2235.

**ADVISORY:**  
 A SUBDIVISION PURSUANT TO THIS TITLE AND THAT THE CITY OF NASHUA HAS REVIEWED AND APPROVED FOR THE PURPOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED AND THAT NO NEW WAYS ARE SHOWN.

DATE: \_\_\_\_\_

28 POND STREET REALTY, LLC  
 28 POND STREET, NASHUA, NH 03083  
 JOHN R. ROBERTS  
 178 WILKINSBURG HIGHWAY  
 DATE: \_\_\_\_\_

28 POND STREET REALTY, LLC  
 28 POND STREET, NASHUA, NH 03083  
 JOHN R. ROBERTS  
 178 WILKINSBURG HIGHWAY  
 DATE: \_\_\_\_\_

28 POND STREET REALTY, LLC  
 28 POND STREET, NASHUA, NH 03083  
 JOHN R. ROBERTS  
 178 WILKINSBURG HIGHWAY  
 DATE: \_\_\_\_\_

**LEGISLATIVE YEAR 2011**

**RESOLUTION:** R-11-89

**PURPOSE:** Authorizing the acceptance of a drainage easement at 25 Pond Street

**SPONSOR(S):** Mayor Donnalee Lozeau  
Alderman Richard P. Flynn  
Alderman Jeffrey T. Cox

**COMMITTEE  
ASSIGNMENT:**

**FISCAL NOTE:** Anticipated expense from a budgeted project.

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**ANALYSIS**

This resolution would authorize acceptance of a permanent drainage easement and temporary construction easements on 25 Pond Street, related to the Harbor Avenue Sewer Separation project.

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**Approved as to form:** Office of Corporation Counsel

By: Dowling Clarke

Date: February 2, 2011

**RESOLUTION** **R-11-89**

**Authorizing the acceptance of a  
drainage easement at 25 Pond  
Street**

Endorsed by Maureen Logan MAYOR

Richard Flynn FLYNN

Jeff S. Cox COX

**IN THE BOARD OF ALDERMEN**

1<sup>ST</sup> READING FEBRUARY 8, 2011

Referred to:

**COMMITTEE ON INFRASTRUCTURE AND  
BOARD OF PUBLIC WORKS**

2<sup>nd</sup> Reading MARCH 22, 2011

3<sup>rd</sup> Reading \_\_\_\_\_

4<sup>th</sup> Reading \_\_\_\_\_

Other Action \_\_\_\_\_

Passed MARCH 22, 2011

Indefinitely Postponed \_\_\_\_\_

Defeated \_\_\_\_\_

Attest Maureen Logan City Clerk

Richard Flynn President

Approved Maureen Logan Mayor's Signature

3/24/11  
Date

Vetoed: \_\_\_\_\_

Veto Sustained: \_\_\_\_\_

Veto Overridden: \_\_\_\_\_

Attest: \_\_\_\_\_ City Clerk

\_\_\_\_\_  
President