



RESOLUTION

**AUTHORIZING THE ACCEPTANCE OF AN EASEMENT FOR PUBLIC
PEDESTRIAN AND NON-MOTORIZED VEHICLE USE AND VEHICLE PARKING
ON LAND OWNED BY AMERIGAS PROPANE AT 50 DEPOT ROAD**

CITY OF NASHUA

In the Year Two Thousand and Four

RESOLVED by the Board of Aldermen of the City of Nashua that the Mayor and Corporation Counsel are authorized to accept in the name of the City from AmeriGas Eagle Propane, L.P. an easement deed for pedestrian and/or non-motorized vehicle use and vehicle parking over land owned by AmeriGas Propane at 50 Depot Road. Said easement shall be substantially similar to the attached easement deed.

LEGISLATIVE YEAR 2004

RESOLUTION: R-2004-105

PURPOSE: Authorizing the acceptance of an easement for public pedestrian and non-motorized vehicle use and vehicle parking on land owned by AmeriGas Propane at 50 Depot Road.

SPONSOR(S): Alderman David D. Lozeau, Ward 5
Alderman Richard LaRose, Ward 2

**COMMITTEE
ASSIGNMENT:**

FISCAL NOTE: Fiscal impact would include future maintenance of the trail and could include future development and maintenance of a parking area, if the city chooses to do so.

ANALYSIS

This resolution would authorize acceptance of an easement for public pedestrian and/or non-motorized vehicle use and vehicle parking on land owned by AmeriGas Propane at 50 Depot Road, in a form substantially similar to the attached easement deed. The planning department states that this proposed easement is in general conformance with the City's "Nashua Trails Master Plan", adopted by the Board of Aldermen and the Nashua City Planning Board in 2001.

Approved as to form: Office of Corporation Counsel

By: _____

Date: July 8, 2004

City of Nashua
229 Main Street
Nashua, New Hampshire 03061

EASEMENT DEED

AmeriGas Eagle Propane, L.P. d/b/a AmeriGas Propane, L.P., a Delaware limited partnership with an address of 50 Depot Road, Nashua, County of Hillsborough, State of New Hampshire, (hereinafter the "Grantor"), for consideration paid, grants to the City of Nashua, a municipal corporation with an address of 229 Main Street, Nashua, County of Hillsborough, State of New Hampshire (hereinafter the "Grantee"), an easement over, under, and across land located off of Depot Road in Nashua, County of Hillsborough, State of New Hampshire, more particularly described as follows:

The perpetual right and easement to create, construct, pave, maintain, repair and replace a trail for pedestrian and/or non-motorized vehicle use and an area for parking, together with the right in common with others to pass and repass by foot or vehicle over the land described in Exhibit A.

This easement shall include the right to enter upon the real estate described at such time as the Grantee may see fit and to construct, maintain, repair, grade, regrade, pave and repave this trail and parking easement.

Grantee's construction, replacement, maintenance and repair shall be conducted in such a manner so as not to unreasonably interfere with the Grantor's (and Grantor's successors and assigns) use of the premises.

The Grantee shall restore any area disturbed by such work to as near the previous condition as possible, including replanting and reseeded.

Grantee further agrees to indemnify and hold harmless the Grantor, its successors and assigns, from any and all losses or expenses resulting from any claims arising out of the construction, use, maintenance or repair of improvements or other acts performed by Grantee pursuant to this easement.

AmeriGas Eagle Propane, L.P. d/b/a
AmeriGas Propane, L.P.

Date: _____

By: _____
Name:
Title:

STATE OF NEW HAMPSHIRE
COUNTY OF HILLSBOROUGH, SS

On this _____ day of _____, 2004, personally appeared the above-named _____, duly authorized _____ of AmeriGas Eagle Propane, L.P. d/b/a AmeriGas Propane, L.P., known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument and acknowledged that s/he executed the same on behalf of the limited partnership for the purpose therein contained.

Notary Public / Justice of the Peace

EXHIBIT A

A certain tract or parcel of land located in the City of Nashua and the Town of Hollis, bounded and described as follows:

Beginning at a point in Nashua, on the southerly side of Route 111A, commonly known as West Groton Road, said point being $N 54^{\circ} 01' W$, one hundred and ninety feet (190') more or less, from the northeasterly corner of land of the grantor, as shown on a plan entitled "Site Plan for National Propane 50 Depot Road, Nashua, NH" prepared by LaBombard Engineering and dated May 11, 1995, revised May 25, 1995.

Thence: along the southerly side of said road, $N 54^{\circ} 01' W - 70.5'$, more or less, to a point;

Thence: continuing along the southerly side of said road $N 49^{\circ} 00' W - 97.49'$, and crossing the Nashua / Hollis town line, to the intersection of the southerly side of West Groton Road with the easterly side of Dutton Lane in Hollis;

Thence: $S 15^{\circ} 40' E - 179.53'$ along the easterly side of Dutton Lane, crossing the Nashua / Hollis town line to a point in the easterly side of said road, which is commonly known as Depot Road in Nashua;

Thence: continuing along the easterly side of said road the following four courses:

$S 4^{\circ} 45' E - 103.59'$ to a point;

$S 2^{\circ} 28' 10'' W - 147.34'$ to a point;

$S 0^{\circ} 30' 20'' W - 307.91'$ to a point;

$S 30^{\circ} 42' E - 84.04'$ to a point at the southern most corner of land of the grantor as shown on the aforementioned site plan;

Thence: $N 8^{\circ} 04' 30'' E - 110.74'$, along land now or formerly Toth, to a point;

Thence: $N 20^{\circ} 30' 00'' E - 340'$, more or less, along land now or formerly Jain, to a point in the easterly boundary line of the grantor;

Thence along a fence the following three courses:

$N 73^{\circ} W - 160'$, more or less, to a point;

$N 7^{\circ} W - 39'$, more or less, to a point;

$N 19^{\circ} E - 196'$, more or less to the point of beginning.

Containing 1.39 acres, more or less.

Meaning and intending to describe all that portion of the grantors land, as shown on the aforementioned subdivision plan, which lies westerly and southerly of the existing fence line.