



## **RESOLUTION**

**AUTHORIZING THE ACCEPTANCE OF A SIDEWALK EASEMENT AT THE  
INTERSECTION OF SOUTH MAIN STREET AND FAIRWAY STREET**

### ***CITY OF NASHUA***

*In the Year Two Thousand and Twelve*

**RESOLVED** by the Board of Aldermen of the City of Nashua to authorize acceptance of a permanent sidewalk easement, in substantially the same form as the attached easement deed and as shown on the attached plan, at the intersection of South Main Street and Fairway Street from owner, Nashua Development Company, for the purpose of constructing, maintaining and using a sidewalk.

Return to:  
Grantee

## **SIDEWALK EASEMENT**

**KNOW ALL PERSONS BY THESE PRESENTS** that **Nashua Development Company**, a New Hampshire voluntary corporation with a mailing address of 146 Main Street, Nashua, New Hampshire ("Grantor"), for consideration paid, grants to the **City of Nashua**, a municipal corporation with an address of 229 Main Street, Nashua, New Hampshire ("Grantee"), a non-exclusive, permanent right and easement on, over, and under, a portion of Grantor's land situate at the intersection of South Main Street and Fairway Street in the City of Nashua, County of Hillsborough, and State of New Hampshire, more particularly described as follows:

Beginning at a stone bound at the southwesterly corner of Weld Street and South Main Street, thence N 04° 07' 28" W a distance of 77.16 feet to the true point of beginning; thence, along the easterly side line of South Main Street, N 49° 21' 46" W a distance of 29.41 feet to a point at the intersection of South Main Street and Fairway Street; thence along the southerly sideline of Fairway Street, N 59° 21' 43" E a distance of 30.16 feet to a point; thence, S 06° 00' 0" SW a distance of 34.72 feet to the true point of beginning.

Containing about 420 square feet.

The purpose of this Easement is to grant a non-exclusive, perpetual easement to the Grantee for the construction and installation of a sidewalk at Grantee's sole expense for use by the general public, and for the maintenance, repair, and restoration of same by the Grantee at Grantee's sole expense, all in accordance with all applicable laws,

statutes, ordinances, codes, rules, and regulations, as the same may apply from time to time.

Neither the Grantor nor its successors and assigns, tenants, guests, licensees, invitees, or mortgagees shall have any liability whatsoever for any loss, cost, damage (to either persons or property), claim or expense of any kind or nature whatsoever (including reasonable attorney's fees) arising from or relating to the use or the condition of the sidewalk created pursuant to this Easement.

The rights and obligations created hereunder shall run with the land and shall accrue to and be binding upon the successors and assigns of the Grantor and Grantee.

Meaning and intending to convey sidewalk easement rights on a portion of the land conveyed to the Grantor by deed of the City of Nashua dated July 6, 1915 and recorded at the Hillsborough County Registry of Deeds at Book 733, Page 170.

Executed this \_\_\_\_ day of \_\_\_\_\_, 2011.

**NASHUA DEVELOPMENT COMPANY**

\_\_\_\_\_  
Witness

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

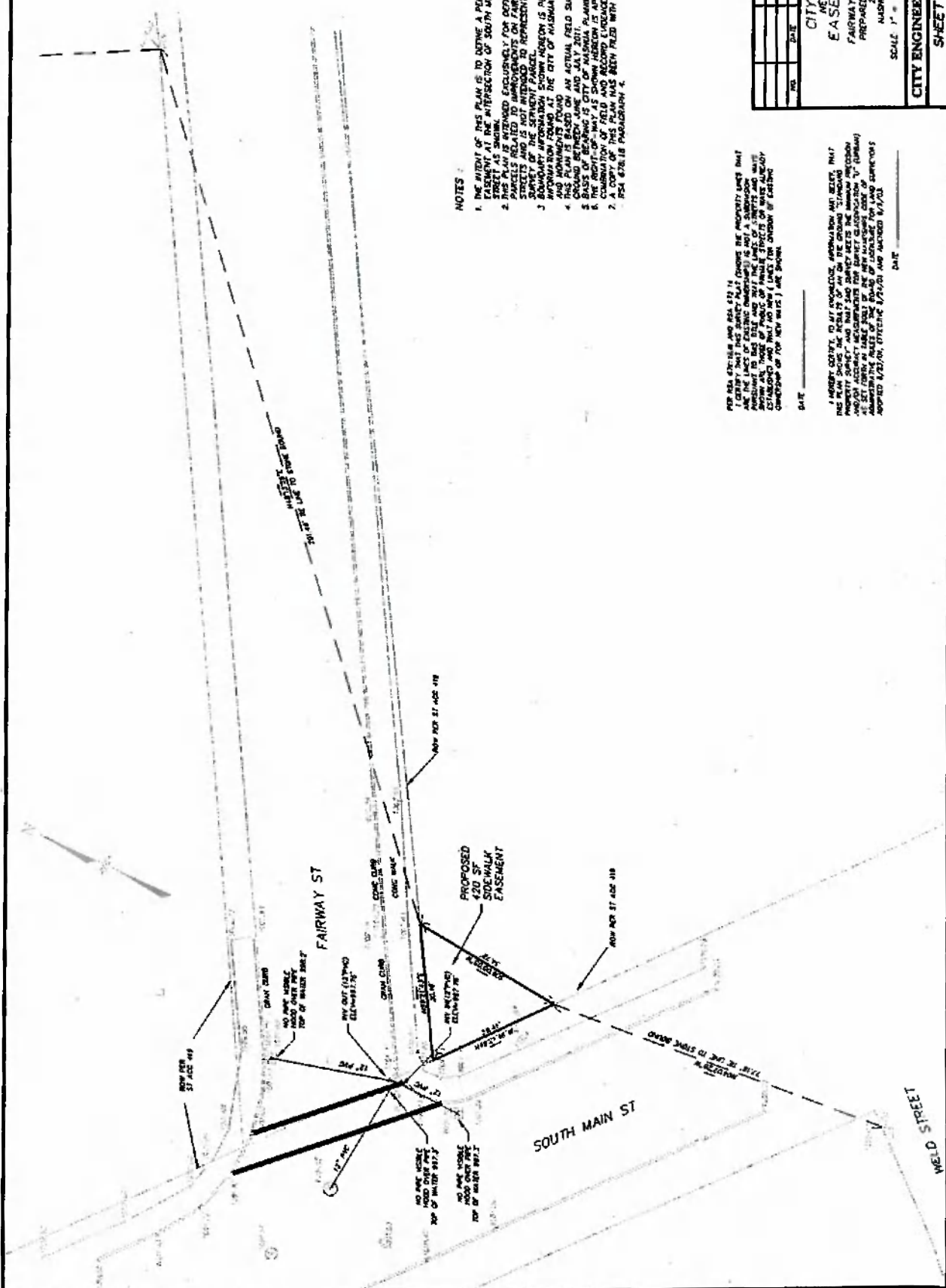
Name: Peter J. Lyons

Title: President

STATE OF NEW HAMPSHIRE  
COUNTY OF HILLSBOROUGH

On the \_\_\_\_ day of \_\_\_\_\_, 2011, personally appeared the above-named Peter J. Lyons in his capacity as President of Nashua development Corporation, and acknowledged the foregoing instrument as his free act and deed on behalf of the corporation. Before me,

\_\_\_\_\_  
**NOTARY PUBLIC**  
My Commission Expires: \_\_\_\_\_



**NOTES**

1. THE INTENT OF THIS PLAN IS TO DEFINE A PERMANENT SIDEWALK EASEMENT AT THE INTERSECTION OF SOUTH MAIN STREET AND FAIRWAY STREET AS SHOWN.
2. THIS PLAN IS BASED ON RECORD SURVEYS FOR PORTIONS OF THE EASEMENT PARCELS RELATED TO IMPROVEMENTS ON FAIRWAY AND SOUTH MAIN STREETS AND IS NOT INTENDED TO REPRESENT AN ACTUAL BOUNDARY SURVEY OF THE SEPARATE PARCELS.
3. SURVEY MONUMENTS FOUND AT THE INTERSECTION IS OLD IRON PIPE AND MONUMENTS FOUND AT THE INTERSECTION IS OLD IRON PIPE.
4. THIS PLAN IS BASED ON AN ACTUAL FIELD SURVEY PERFORMED ON THE INTERSECTION OF FAIRWAY AND SOUTH MAIN STREETS.
5. BASIS OF BEARING IS CITY OF MASSACHUSETTS PLANNING MAPS.
6. THE BOUNDARY OF FIELD AND RECORD EVIDENCE IS APPROXIMATE FOR A COMPARISON OF FIELD AND RECORD EVIDENCE.
7. THIS PLAN HAS BEEN FILED WITH THE CITY OF MASSACHUSETTS PER REG. 67B.18 PARAGRAPH 2.

FOR REG. 67B.18 AND REG. 67B.17 I CERTIFY THAT THIS SURVEY PLAN SHOWS THE PROPERTY LINES THAT ARE SHOWN ON THIS PLAN AND THAT THE LINES OF STREETS AND ALLEYS SHOWN ARE THOSE OF PUBLIC STREETS OR ALLEYS AUTHORITY OF THE CITY OF NASHUA, NEW HAMPSHIRE.

DATE \_\_\_\_\_

I HEREBY CERTIFY TO MY KNOWLEDGE AND BELIEF THAT THIS PLAN SHOWS THE CORNER OF THE CORNER OF THE PROPERTY SURVEY AND THAT THE SURVEY MEETS THE MINIMUM PRECISION AND ACCURACY REQUIREMENTS FOR SURVEY CLASSIFICATION AND ADMINISTRATIVE PURPOSES OF THE BOARD OF LAND SURVEYORS APPROVED 6/25/08, EFFECTIVE 7/21/08 AND AMENDED 6/17/09.

DATE \_\_\_\_\_

REV.	DATE	REVISION

**CITY OF NASHUA  
NEW HAMPSHIRE  
EASEMENT PLAN  
FAIRWAY & SOUTH MAIN ST  
PREPARED FOR: CITY OF NASHUA  
229 MAIN STREET  
NASHUA, NEW HAMPSHIRE**

SCALE: 1" = 10' DATE: JULY 20, 2011

**CITY ENGINEER'S OFFICE**

SHEET 1

DATE	SCALE

**LEGISLATIVE YEAR 2012**

**RESOLUTION:** R-12-002

**PURPOSE:** Authorizing the acceptance of a sidewalk easement at the intersection of South Main Street and Fairway Street

**SPONSOR(S):** Mayor Donnalee Lozeau

**COMMITTEE  
ASSIGNMENT:**

**FISCAL NOTE:** There is no fiscal impact of this resolution except the cost of recording the easement deed.

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**ANALYSIS**

This resolution would authorize acceptance of a permanent sidewalk easement at the intersection of South Main Street and Fairway Street for the purpose of constructing, maintaining and using a sidewalk.

State law authorizes a city's legislative body to acquire real property "for the use of the city, whenever the interests or convenience of the city shall require it." RSA 47:5

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

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

**Date:** January 5, 2012

**RESOLUTION** R-12-002

**Authorizing the acceptance of a  
sidewalk easement at the  
intersection of South Main  
Street and Fairway Street**

Endorsed by

*Smalley Logan* MAYOR  
*Glenn Sheehan* SHEEHAN

**IN THE BOARD OF ALDERMEN**

1<sup>ST</sup> READING JANUARY 11, 2012

Referred to:

COMMITTEE ON INFRASTRUCTURE AND  
BOARD OF PUBLIC WORKS

2<sup>nd</sup> Reading FEBRUARY 14, 2012

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

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

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

Passed FEBRUARY 14, 2012

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

Defeated \_\_\_\_\_

Attest: *Patricia Sheehan*  
City Clerk

*Glenn Sheehan*  
President

Approved *Smalley Logan*  
Mayor's Signature

February 15, 2012  
Date

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

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

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

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

\_\_\_\_\_  
President