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.
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 my 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
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: ___________________
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.

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

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

IN THE BOARD OF ALDERMEN

1st Reading January 11, 2012

Referred to:

COMMITTEE ON INFRASTRUCTURE AND BOARD OF PUBLIC WORKS

2nd Reading February 14, 2012

3rd Reading

4th Reading

Other Action

Passed February 14, 2012

Indefinitely Postponed

Defeated

Attest

Endorsed by

Vetoed:

Veto Sustained:

Veto Overridden:

Attest:

City Clerk

President

Approved

Mayor's Signature

February 15, 2012

Date