



## RESOLUTION

### AUTHORIZING AN AMENDMENT TO DEED COVENANTS RELATIVE TO LAND SOLD TO PROPERTY OWNERS ALONG RADCLIFF DRIVE AND SHORE DRIVE

### *CITY OF NASHUA*

*In the Year Two Thousand and Sixteen*

**WHEREAS**, R-15-193 “Authorizing the sale of a parcel of land to property owners along Radcliff Drive and Shore Drive” passed the Board of Aldermen on December 22, 2015.

**WHEREAS**, that resolution provided that the Mayor was authorized to negotiate the sale of City property located between Stellos Stadium and Radcliff Drive and more particularly described as a portion of Sheet E, Lot 1359 to James and Cari Pullen, John Bieren, George and Catherine Norton and Kimberly Roberts on terms and conditions substantially similar to an attached Purchase and Sale Agreement. The property being sold consisted of four individual lots measuring 90 feet wide by 100 feet long immediately adjoining the back of each buyer’s current house lot. The purchase price for each lot was fourteen hundred dollars (\$1,400), and the sale was conditioned upon the receipt of all necessary approvals for the proposed subdivision.

**WHEREAS**, the Purchase and Sale Agreements contained a provision that the buyers shall not place any structure on the transferred property that exceeds 200 square feet in size.

**WHEREAS**, the property was conveyed as authorized on July 14, 2016, and the deeds contained certain covenants prohibiting the erection of any structure on the conveyed parcels having a footprint greater than 200 square feet.

**WHEREAS**, the property owners have requested an amendment to said covenants to allow the erection of structures on the conveyed parcels with a footprint of no more than 400 square feet.

**RESOLUTION**

**R-16-060**

**NOW THEREFORE, BE IT RESOLVED** *by the Board of Aldermen of the City of Nashua that* the Mayor is authorized to execute an Amendment of Covenant agreement, substantially similar to the attached, to amend the above-described deed covenants to allow structures of up to 400 square feet on the conveyed parcels.

AMENDMENT OF COVENANT

John Bieren, Sr., George Norton and Catherine Norton, James C. Pullen, as Trustee of the Pullen Family Revocable Trust, and Kimberly Roberts (collectively called "Grantees") and the City of Nashua (hereinafter "Nashua") agree as follows:

WHEREAS by deeds dated July 14, 2016 and recorded at the Hillsborough County Registry of Deeds on July 15, 2016 at respectively Book 8875 Page 2426, Book 8875 Page 2428, Book 8875 Page 2430, and Book 8875 Page 2432, Nashua conveyed parcels of land to each of the Grantees,

WHEREAS the said deeds contained certain covenants prohibiting the erection of any structure on the conveyed parcels having a footprint greater than 200 square feet, and

WHEREAS the Parties desire to amend such covenants.

NOW THEREFORE each such deed is hereby amended so that the covenant regarding the erection of a structure reads "No structure having a footprint greater than 400 square feet shall be erected on the conveyed parcel".

\_\_\_\_\_  
Date

\_\_\_\_\_  
John Bieren, Sr.

\_\_\_\_\_  
Date

\_\_\_\_\_  
George Norton

\_\_\_\_\_  
Date

\_\_\_\_\_  
Catherine Norton

\_\_\_\_\_  
Date

\_\_\_\_\_  
James C. Pullen, Trustee

\_\_\_\_\_  
Date

\_\_\_\_\_  
Kimberly Roberts

City of Nashua

\_\_\_\_\_  
Date

\_\_\_\_\_  
James W. Donchess, Mayor, duly authorized

STATE OF NEW HAMPSHIRE  
HILLSBOROUGH, SS

On this \_\_\_\_\_ day of \_\_\_\_\_ 2016, personally appeared before me, the undersigned officer, the above named John Bieren, Sr., known by me (or satisfactorily proven) to be the person executing the foregoing instrument and who acknowledged the same to be his voluntary act and deed.

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Justice of the Peace/Notary Public  
My Commission expires:

STATE OF NEW HAMPSHIRE  
HILLSBOROUGH, SS

On this \_\_\_\_\_ day of \_\_\_\_\_ 2016, personally appeared before me, the undersigned officer, the above named George Norton and Catherine Norton, each of them., known by me (or satisfactorily proven) to be the persons executing the foregoing instrument and who acknowledged the same to be his and her voluntary act and deed.

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Justice of the Peace/Notary Public  
My Commission expires:

STATE OF NEW HAMPSHIRE  
HILLSBOROUGH, SS

On this \_\_\_\_\_ day of \_\_\_\_\_ 2016, personally appeared before me, the undersigned officer, the above named James C. Pullen, Trustee of the Pullen Family Revocable Trust, known by me (or satisfactorily proven) to be the person executing the foregoing instrument and who acknowledged the same to be his voluntary act and deed.

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Justice of the Peace/Notary Public  
My Commission expires:

STATE OF NEW HAMPSHIRE  
HILLSBOROUGH, SS

On this \_\_\_\_\_ day of \_\_\_\_\_ 2016, personally appeared before me, the undersigned officer, the above named Kimberly Roberts, known by me (or satisfactorily proven) to be the person executing the foregoing instrument and who acknowledged the same to be his voluntary act and deed.

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Justice of the Peace/Notary Public  
My Commission expires:

STATE OF NEW HAMPSHIRE  
HILLSBOROUGH, SS

On this \_\_\_\_\_ day of \_\_\_\_\_ 2016, personally appeared before me, the undersigned officer, the above named James W. Donchess, known by me (or satisfactorily proven) to be the person executing the foregoing instrument in his official capacity and duly authorized so to do for the purposes therein contained.

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Justice of the Peace/Notary Public  
My Commission expires:

**LEGISLATIVE YEAR 2016**

**RESOLUTION:** R-16-060

**PURPOSE:** Authorizing an amendment to deed covenants relative to land sold to property owners along Radcliff Drive and Shore Drive

**ENDORSER(S):** Mayor Jim Donchess

**COMMITTEE  
ASSIGNMENT:**

**FISCAL NOTE:** None. The property owners will be responsible for the recording cost.

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**ANALYSIS**

This resolution would allow the amendment of deed covenants on property recently sold by the city to residents on Radcliff Drive and Shore Drive. The covenants prohibit the erection of any structure having a footprint greater than 200 square feet, and the amendment would increase the size limitation to 400 square feet

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

**By:** Donkey Clarke

**Date:** August 3, 2016