



RESOLUTION

AUTHORIZING RELEASE OF A CERTAIN ACCESS EASEMENT OVER 482
AMHERST STREET

CITY OF NASHUA

In the Year Two Thousand and Sixteen

RESOLVED by the Board of Aldermen of the City of Nashua that the Mayor is authorized to release a certain access easement over 482 Amherst Street, described in Book 7059, Page 367, by a release substantially in the form of the attached.

LEGISLATIVE YEAR 2016

RESOLUTION: R-16-075

PURPOSE: Authorizing release of a certain access easement over 482 Amherst Street

ENDORSERS: Alderman Richard A. Dowd

**COMMITTEE
ASSIGNMENT:**

FISCAL NOTE: None.

ANALYSIS

This resolution authorizes the release of an access easement over 482 Amherst Street (location of Sunnyside Acura). Owner of the property On In Two Management, Inc. granted the easement in 2002 pursuant to the approval of a site plan by the Nashua Planning Board.

In April of 2016, the Planning Board approved a site plan amendment for this property. Part of the amendment is for the City to receive a new emergency access easement for the site and release the 2002 access easement. Board of Aldermen approval is required for the city to release the prior easement.

NRO 190-241, I, authorizes the Planning Board to accept and record on behalf of the City land or easements for public purposes as part of the Planning Board approval process without specific approval of the Board of Aldermen, but does not allow the Planning Board to release or deed any city land or easements.

Approved as to form: Office of Corporation Counsel

By: *Dorothy Clarke*

Date: *October 16, 2016*

After recording return to:
City of Nashua
229 Main Street
Nashua, NH 03061

RELEASE OF EASEMENT

WHEREAS by Easement dated June 5, 2002, recorded at the Hillsborough County Registry of Deeds in Book 7059, Page 367 (the "Easement"), On In Two Management, Inc. conveyed an easement to the City of Nashua that purportedly allowed access from property shown as Lot 75 Assessor's Sheet H (482 Amherst Street) to property shown as Lot 22 Assessor's Sheet H (486 Amherst Street); and

WHEREAS the Easement was conveyed in compliance with Condition #3 of a certain Site Plan Approval dated May 2, 2002; and

WHEREAS the Nashua Planning Board has amended its May 2, 2002 Site Plan Approval to delete Condition #3 and replace it with a condition that On In Two Management, Inc. convey an easement to the City of Nashua for ingress and egress of emergency vehicles to provide emergency services to the properties at 482 Amherst and 486 Amherst Street (the "Emergency Access Easement").

NOW, THEREFORE, in consideration of the amendment of the May 2, 2002 Site Plan and the Emergency Access Easement conveyed by On In Two Management, Inc. to the City of Nashua, the City of Nashua hereby releases, discharges and forever quitclaims to On In Two Management, Inc. all of the rights of the City of Nashua, and to the extent that the City of Nashua holds said rights for the public, in and to that certain Easement dated June 5, 2002, recorded at the Hillsborough County Registry of Deeds in Book 7059, Page 367.

The City as grantor is exempt from real estate transfer tax pursuant to NH Rev 802.03(a). This release was authorized by the City of Nashua Board of Aldermen by Resolution R-16-xxx, "Authorizing Release of a Certain Access Easement over 482 Amherst Street", approved on _____, 2016.

IN WITNESS WHEREOF the City of Nashua has caused this instrument to be executed this _____ day of _____, 2016 by its duly authorized officer.

CITY OF NASHUA

By: _____
James W. Donchess, Mayor
Duly Authorized

STATE OF NEW HAMPSHIRE
COUNTY OF HILLSBOROUGH

On this _____ day of _____, 2016, personally appeared the above-named, James W. Donchess, Mayor of the City of Nashua, known to me (or satisfactorily proven) to be the person whose name is subscribed herein and acknowledged that she executed the foregoing instrument for the purposes contained therein.

Notary Public/Justice of the Peace
Print Name:
My Commission Expires: