



RESOLUTION

AUTHORIZING RELEASE OF A CERTAIN SEWER EASEMENT RESERVED ON
FORMER HILTON AVENUE (OFF DANE STREET)

CITY OF NASHUA

In the Year Two Thousand and Seventeen

RESOLVED by the Board of Aldermen of the City of Nashua that the Mayor is authorized to release a certain sewer easement affecting 29 and 31 Dane Street (and the former discontinued street known as Hilton Avenue, discontinued by the City by Petition (unrecorded) granted on September 13, 1955) by a release substantially in the form of the attached.

LEGISLATIVE YEAR 2017

RESOLUTION: R-17-086

PURPOSE: Authorizing release of a certain sewer easement reserved on former Hilton Avenue (off Dane Street)

ENDORSERS: Alderman-at-Large Daniel T. Moriarty

**COMMITTEE
ASSIGNMENT:**

FISCAL NOTE: None.

ANALYSIS

This resolution extinguishes a sewer easement off Dane Street which was reserved in the Petition granting the discontinuance of Hilton Avenue. The Petition, granted on September 13, 1955, was granted on the following condition: “[t]hat the City of Nashua, its successors, and assigns, shall at all times have the right to enter into and upon the said premises to construct, maintain, repair, alter and change a sewer and to do any and all things necessary to the operation of said sewer.” The two lots affected by the easement are land on Dane Street (Tax Map 110, Lot 106) owned by Raisanen Homes Elite LLC, and 29 Dane Street (Tax Map 110, Lot 177) currently owned by Michael and Joseph Dacey, Trustees of the Dacey Family Trust.

Tax Map 110, Lot 106 was formerly part of property of 31 Dane Street (Tax Map 110, Lot 173). Raisanen Homes Elite LLC received subdivision approval from the City of Nashua Planning Board on August 4, 2016 for the subdivision of 31 Dane Street (Tax Map 110, Lot 173) into two lots known as Proposed 110-173 and Proposed 110-106 (to be Tax Map 110, Lot 106) on Hillsborough County Registry of Deeds Plan No. 39048. The sewer easement area affects the newly approved northern lot (Proposed 110-106) and 29 Dane Street (Tax Map 110, Lot 177).

The Engineering Department has indicated that they are not aware of any current or future need for this sewer easement. This legislation should be referred to the Board of Public Works.

Approved as to form: Office of Corporation Counsel

By: Douglas Clarke

Date: January 17, 2017

After recording return to:

City of Nashua,
229 Main Street,
Nashua, NH 03061

RELEASE OF SEWER EASEMENT

KNOW ALL PERSONS BY THESE PRESENTS:

WHEREAS, by that certain Petition to Discontinue Hilton Avenue granted September 13, 1955 (the "Petition"), not recorded in the Hillsborough County Registry of Deeds, but on file in the records of the City of Nashua, the **City of Nashua**, a New Hampshire municipal corporation with offices at 229 Main Street, Nashua, Hillsborough County, New Hampshire, is the owner of an easement in, along, over, upon and across two (2) certain tracts of land situated in Nashua, Hillsborough County, New Hampshire, one owned by Michael and Joseph Dacey, Trustees of the Dacey Family Trust, known as 29 Dane Street (and also shown on the City of Nashua Tax Map as Map 110, Lot 177) and the other owned by Raisanen Homes Elite LLC, shown as Proposed 110-106 on Hillsborough County Registry of Deeds Plan No. 39048, formerly part of 31 Dane Street (shown or to be shown on the City of Nashua Tax Map as Map 110, Lot 106), which easement is more particularly reserved as a "Condition" after the description of Hilton Avenue as discontinued in the Petition, where the description of Hilton Avenue (as discontinued) and the "Condition" read in the Petition as follows:

"That Hilton Avenue off Dane Street as shown on Assessor Sheet #110 be closed and discontinued in accordance with the following description:

Beginning at the northwest intersection of Dane Street with Hilton Avenue; thence southwesterly by the south line of Lots #175-176 on Assessor Sheet #110, a distance of one hundred fifty-nine and seven tenths (159.7) feet to a point.

The above-described line is the north line of said Hilton Avenue, and said Avenue is forty (40.0) feet wide.

Meaning and intending to discontinue Hilton Avenue off Dane Street as shown on a plan entitled, Plan of Discontinuance of Hilton Avenue, Nashua, N.H., dated May 1955.

A copy of said plan is on file in the office of the City Engineer and signed by A. E. Maynard, City Engineer.

Condition:

That the City of Nashua, its successors, and assigns, shall at all times have the right to enter into and upon the said premises to construct, maintain, repair, alter and change a sewer and to do any and all things necessary to the operation of said sewer.”

WHEREAS, the City of Nashua by Resolution R-17-086 passed by the Board of Aldermen on _____, 2017 authorized the release of the above-described reserved sewer easement.

NOW, THEREFORE, the City of Nashua, for and in sufficient consideration, the receipt of which is hereby acknowledged, has forever remised, released and relinquished and by these presents does forever remise, release and relinquish all that certain sewer easement interest created and established in the above-mentioned Petition insofar as it affects 29 Dane Street (also shown on the City of Nashua Tax Map as Map 110, Lot 177) and Proposed 110-106 on Hillsborough County Registry of Deeds Plan No. 39048 (shown or to be shown as Tax Map 110, Lot 106) and which was formerly part o 31 Dane Street (shown on the City of Nashua Tax Map as Map 110, Lot 173).

The City as grantor is exempt from real estate transfer tax pursuant to NH Rev 802.03(a).

IN WITNESS WHEREOF the City of Nashua has caused this instrument to be executed this ____ day of _____, 2017 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 _____, 2017, 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 he executed the foregoing instrument for the purposes contained therein, on behalf of the City of Nashua.

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