



RESOLUTION

AUTHORIZING THE CONVEYANCE OF DISCONTINUED PORTIONS OF (OLD) GROTON ROAD

CITY OF NASHUA

In the Year Two Thousand and Twenty-One

RESOLVED by the Board of Aldermen of the City of Nashua that the Mayor is authorized to convey the City's right, title and interest, if any, subject to any restrictions and easements of record to the abutter, Etchstone Properties, Inc., in discontinued portions of (Old) Groton Road by deed substantially in the form of the attached, and subject to a vote by the Board of Aldermen to approve the petition for street discontinuance.

RESOLVED FURTHER, that the consideration for the conveyance is

- A) the fees for recording the deed and plan, including any transfer tax due; and
- B) Etchstone Properties, Inc. shall convey to the City an easement for the proposed sidewalk improvements on Map D, Lot 23 shown on the site plan for the Terrell Farm development approved on December 5, 2019. The easement shall be in a form acceptable to the Office of Corporation Counsel, and Etchstone Properties, Inc. shall pay for the recording of the easement and any associated easement plan(s).

LEGISLATIVE YEAR 2021

RESOLUTION: R-21-147

PURPOSE: Authoring the conveyance of discontinued portions of (Old) Groton Road

ENDORSERS: Alderman Ernest Jette

COMMITTEE ASSIGNMENT: Committee on Infrastructure

FISCAL NOTE: None.

ANALYSIS

Pursuant to the procedures in NRO §285-25 "Conveyance of title of discontinued streets," this resolution authorizes the conveyance of discontinued portions of (Old) Groton Road to the abutter.

The petition to discontinue the relevant portions of (Old) Groton Road is being submitted in tandem with this resolution R-21-147. Etchstone Properties, Inc. has requested that the discontinued portions of (Old) Groton Road be conveyed to them as the abutter. Currently, recording and transfer taxes are as follows: recording of deed \$20, recording of 22 x 34 plan \$24, transfer tax (grantee only) \$20, no LCHIP fees are due as the city is a party to the deed and plan. Upon receipt of the consideration, the Office of Corporation Counsel will record the plan and deed.

Approved as to form: Office of Corporation Counsel

By: /s/ Celia K. Leonard

Date: May 20, 2021

After recording return to:
Winer & Bennett, LLP
111 Concord Street
Nashua, NH 03064

QUITCLAIM DEED

KNOW ALL MEN BY THESE PRESENTS THAT **The City of Nashua**, a municipal corporation, with an address of 229 Main Street, Nashua, Hillsborough County, New Hampshire 03060 (“Grantor”) grants to **Etchstone Properties, Inc.**, a New Hampshire corporation, with an address of 179 Amherst Street, Nashua, Hillsborough County, New Hampshire 03064 with **Quitclaim Covenants**,

Certain parcels of land situated in the City of Nashua, County of Hillsborough, State of New Hampshire, being shown as Discontinuance Area ‘A’ and Discontinuance Area ‘B’ on a plan entitled “Discontinuance Plan Portions of the Historic Locations of Groton Road” dated January 19, 2021, prepared for Etchstone Properties, Inc. to be recorded in the Hillsborough County Registry of Deeds contemporaneously herewith (“Plan”), and being more particularly described as follows:

Discontinuance Area ‘A’

A certain portion of the historic location of Groton Road located in the City of Nashua, County of Hillsborough, State of New Hampshire, situated on the northerly side of Groton Road, being shown as Discontinuance Area ‘A’ on the Plan, and being described more particularly as follows:

Beginning at a drill hole in a stone wall on the northerly side of Groton Road at the division line of land of Peter and Judy Erickson and land of Etchstone Properties, Inc. and being the northwest corner of the herein described parcel; thence:

N 89° 42' 35" E by a stone wall, a distance of 118.99 feet to a drill hole; thence

S 87° 26' 07" E by said stonewall, a distance of 194.32 feet to a drill hole; thence

S 83° 51' 03" E by said stonewall, a distance of 58.70 feet to point; thence

N 89° 44' 16" E a distance of 108.48 feet to a drill hole; thence

S 87° 50' 29" E by a stonewall and passing through a drill hole, a distance of 180.37 to point; thence

S 55° 40' 21" E a distance of 155.96 feet to point; thence

S 51° 17' 29" E a distance of 68.53 feet to the point at the northerly sideline of Groton Road as laid out and realigned in 1937 by the State of New Hampshire plan S.A.Y 1937; thence

N 67° 37' 18" W by said sideline, a distance of 95.89 feet to point; thence

Northwesterly by said sideline and a curve to the left having a radius of 1,457.39 feet, a delta angle of 22 ° 02' 00" and an arc length of 560.45 feet to a point; thence

N 89° 39' 18" W by said sideline, a distance of 207.74 feet to a point, being N 82° 50' 57" W a distance of 1.81 feet from an iron pipe; thence

N 00° 20' 42" E a distance of 3.99 feet to the point of beginning.

Containing an area of 0.329 acres or 14,329 sf more or less.

Discontinuance Area 'B'

Discontinuance Area 'B' constitutes those portions of the public right-of-way laid out by the Selectmen of Nashua on November 24, 1847 that are situated within the boundaries of land situated in said Nashua, known as Map 'D', Lot 23. Any portions of the public right-of-way laid out by the Selectmen of Nashua on November 24, 1847 that are either (i) within the existing 1937 layout (realignment) of Groton Road, or (ii) not within the boundaries of Map 'D', Lot 23, are specifically excluded from Discontinuance Area 'B'.

The metes and bounds of the entirety of the public right-of-way laid out by the Selectmen of Nashua on November 24, 1847 (which includes Discontinuance Area 'B'), is as follows:

Beginning at a ___ near the southwest corner of the School-house in District No. 7 in said Nashua, thence westerly $182\frac{3}{4}^{\circ}$, 200 feet to a stake in the ground, thence westerly $163^{\circ} 96$ feet to a stake in the ground, thence westerly $179^{\circ} 455$ feet to a stake in the ground, thence westerly $176^{\circ} 226$ feet to a stake in the ground, thence westerly $176\frac{3}{4}^{\circ} 402$ feet to a stake in the ground, thence westerly $163^{\circ} 778$ feet to an oak tree at a lane running to Peter Terrell's house, the line above described is at the north side of said Highway running through Peter Terrells land, and the highway is three rods wide.

The only portion of the public right-of-way described in the previous paragraph that is being discontinued is Discontinuance Area 'B'.

City of Nashua Resolution R-21-147, "Authorizing the Conveyance of Discontinued Portions of (Old) Groton Road" which authorizes the Mayor's signature on this deed, was passed by the Board of Aldermen on _____, 2021.

Subject to all restrictions, covenants and easements of record, including but not limited to those shown on the Plan.

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

Dated this ____ day of _____, 2021.

CITY OF NASHUA

By: James W. Donchess, Mayor

STATE OF NEW HAMPSHIRE
COUNTY OF HILLSBOROUGH

On this ____ day of _____, 2021, 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:

RESOLUTION

**AMENDED
R-21-147**

**Authorizing the conveyance of
discontinued portions of (Old)
Groton Road**

IN THE BOARD OF ALDERMEN

1ST READING May 25, 2021

Referred to:
Committee on Infrastructure

Nashua Planning Board

2nd Reading July 13, 2021

3rd Reading _____

4th Reading _____

Other Action _____

Passed July 13, 2021

Indefinitely Postponed _____

Defeated _____

Attest: _____ City Clerk

Lori Webshire

President

Approved _____ Mayor's Signature

Date

Endorsed by

[Signature] JETTE
[Signature] KLEE
[Signature] HARRIOTT-
GATHRIGHT
[Signature] Lu

Vetoed: _____

Veto Sustained: _____

Veto Overridden: _____

Attest: _____ City Clerk

President