



TOWN OF MERRIMACK INTER-DEPARTMENT COMMUNICATION

DATE: December 17, 2021

AT (OFFICE): Department of Public Works

FROM: Dawn B. Tuomala, PE, LLS, CWS
Deputy Director/Town Engineer

To: Paul Micali,
Town Manager

SUBJECT: **Road and Drainage Easements
Governor's Hill Corp
Phase I Easements
Cathy Street, Brick Lane and Constance Street**

Level Acres is a subdivision that was approved between February 23, 1966 and revised April 5, 1977 being recorded in the Hillsborough County Registry of Deeds as plans #4425 & #5050. Governor's Hill Corp and their representatives have been working to create a plan, and a deed needed to establish the easements that are necessary to bring the road and drainage up to the current Town requirements. The Easement Plan and the Easement Deed have all been reviewed and approved by the Town Attorney Steven Whitley. All of his required changes have been incorporated and are acceptable to him (see attached email).

A copy of the Plan, the Drainage and Road Widening Easement deed are all attached as backup for the meeting. The documents will be signed before the meeting and it will also be notarized by the owners of the property. We are requesting that the Town Council approve the Drainage and Road Widening Easement Deed and Plan and that they further authorize you to sign as their agent. Once signed the documents and the Easement plan can then be recorded in the Hillsborough County Registry of Deeds.

The improvements done to date regarding this section of the Level Acres subdivision have not required the involvement of the Planning Board, therefore their approval of these easements is not (see attached email correspondence). Please note that there is still a performance bond in place and this approval is not requesting final Road acceptance at this time. Final Road Acceptance and changing to a maintenance bond will be requested when all the construction requirements have been met.

Should you have any questions please let me know,
Thank you for your help in this matter.

Dawn

CC: Kyle Fox; Director
File

After recording, return to:
Bernstein, Shur, Sawyer & Nelson, PA
670 North Commercial Street, Suite 108
P.O. Box 1120
Manchester, NH 03105-1120

DRAINAGE AND ROAD WIDENING EASEMENT DEED

Governor's Hill Corp., a New Hampshire corporation with an address of 317 South River Road, Town of Bedford, County of Hillsborough, and State of New Hampshire 03110 (the "Grantor"), for consideration paid, grants to **Town of Merrimack**, of 6 Baboosic Lake Road, Town of Merrimack, County of Hillsborough, and State of New Hampshire 03054 (the "Grantee"), said easements are located in the Town of Merrimack, County of Hillsborough and State of New Hampshire, bounded and described as follows:

Proposed Drainage Easements and Proposed Road Widening Easements on certain parcels of land with improvements thereon, located in Merrimack, Hillsborough County, New Hampshire, being shown on a Plan entitled, "Drainage/Roadway Improvement Plan for the Benefit of the Town of Merrimack, Cathy Street, Constance Street, & Brick Lane, Located in the Level Acres Subdivision Map 6D & 7D, Merrimack, New Hampshire Hillsborough County", Prepared by Keach-Nordstrom Associates, Inc. dated October 23, 2019, last revised December 9, 2021, and recorded at the Hillsborough County Registry of Deeds as Plan No. _____, described more particularly as follows:

Road Widening & Drainage Easement "A" on Lots 6D-158, 6D-159 & 6D-160

Beginning at a point at the southerly corner of the herein described premises, said point in located at the southerly corner of Lot 6D-160 on the easterly line of Cathy Street;

thence North 24°17'41" West along said Cathy Street, a distance of 286.01 feet to a point;

thence Northwesterly along said Cathy Street, a distance of 150.16 feet along a curve to the left having a radius of 350.00 feet and a central angle of 24°34'53" to a point at the southerly corner of Lot 6D-157;

thence North 41°07'26" East along said Lot 6D-157, a distance of 5.00 feet to a point;

thence Southeasterly across Lot 6D-158, a distance of 152.30 feet along a curve to the right

having a radius of 355.00 feet, and a central angle of 24°34'53" to a point;
thence South 24°17'41" East, a distance of 131.00 feet to a point;
thence North 65°33'21" East, a distance of 104.79 feet to a point;
thence South 24°26'39" East, a distance of 20.00 feet to a point;
thence South 65°33'21" West, a distance of 104.85 feet to a point;
thence South 24°17'41" East, a distance of 135.01 feet to a point on the southerly line of said Lot 6D-160;
thence South 65°42'19" West along said Lot 6D-160, a distance of 5.00 feet to a point to the point of beginning.
Said Road Widening & Drainage Easement "A" Containing 4,283 square feet or 0.10 acres, more or less.

Road Widening Easement "B" on Lots 7D-87, 7D-88 & 7D-89

Beginning at a point at the southerly corner of the herein described premises, said point in located at the southerly corner of Lot 7D-89 on the northerly line of Cathy Street;
thence North 56°35'54" West along said Cathy Street, a distance of 410.00 feet to a point;
thence Northwesterly, a distance of 4.51 feet along a curve to the right having a radius of 25.00 feet and a central angle of 10°19'54" to a point;
thence Southeasterly onto Lot 7D-87, a distance of 34.00 feet along a curve to the right having a radius of 125.00 feet and a central angle of 15°34'58" to a point;
thence South 56°35'54" East, a distance of 380.91 feet to a point on the easterly line of said Lot 7D-89;
thence South 33°31'09" West along said Lot 7D-89, a distance of 5.00 feet to a point to the point of beginning.
Said Road Widening Easement "B" Containing 2,021 square feet or 0.05 acres, more or less.

Drainage Easement "C" on Lot 7D-85

Beginning at a point at the westerly corner of the herein described premises, said point in located at the westerly corner of Lot 7D-85 on the northerly line of Cathy Street;

thence North 74°28'56" East onto said Lot 7D-85, a distance of 110.00 feet to a point;
thence South 41°03'10" East, a distance of 40.00 feet to a point;
thence South 01°12'07" West, a distance of 65.00 feet to a point;
thence Westerly, a distance of 30.00 feet along a curve to the right having a radius of 25.00 feet and a central angle of 68°45'18" to a point;
thence North 57°05'29" West, a distance of 122.30 feet to a point to the point of beginning.

Said Drainage Easement "C" Containing 7,342 square feet or 0.17 acres, more or less.

Road Widening & Drainage Easement "D" on Lots 6D-155, 6D-156 & 7D-86

Beginning at a point at the easterly corner of the herein described premises, said point is located at the easterly corner of Lot 6D-155 on the southerly line of Cathy Street;

thence South 33°24'06" West along said Lot 6D-155, a distance of 20.00 feet to a point;
thence North 56°35'54" West onto said Lot 6D-155, a distance of 20.00 feet to a point;
thence North 33°24'57" East, a distance of 15.00 feet to a point;
thence North 56°35'50" West, a distance of 135.00 feet to a point on the easterly line of Lot 6D-156;
thence South 33°24'57" West along said Lot 6D-156, a distance of 113.66 feet to a point;
thence North 56°35'03" West onto said Lot 6D-156, a distance of 30.00 feet to a point;
thence North 33°24'57" East, a distance of 113.65 feet to a point;
thence North 56°35'54" West, a distance of 225.90 feet to a point;
thence Westerly, a distance of 60.42 feet along a curve to the left having a radius of 75.00 feet and a central angle of 46°09'34" to a point on the easterly line of Brick Lane;
thence North 33°24'06" East along said Brick Lane, a distance of 3.05 feet to a point;
thence Easterly along said Brick Lane, a distance of 39.27 feet along a curve to the right having a radius of 25.00 feet and a central angle of 90°00'00" to a point on the southerly line of said Cathy Street;

thence South 56°35'54" East along said Cathy Street, a distance of 440.00 feet to a point to the point of beginning.

Said Road Widening & Drainage Easement "D" Containing 6,287 square feet or 0.14 acres, more or less

Road Widening Easement "E" on Lots 7D-71 & Lot 7D-72

Beginning at a point at the easterly corner of Lot 7D-71 and the southerly corner of Lot 7D-72 on the westerly line of Brick Lane;

thence South 33°24'06" West along said Brick Lane, a distance of 67.77 feet to a point;

thence North 19°19'46" East across Lot 7D-71, a distance of 111.50 feet to a point;

thence Northeasterly, a distance of 107.87 feet along a curve to the right having a radius of 125.00 feet and a central angle of 49°26'34" to a point on the westerly side of said Brick Lane;

thence Southerly along said Brick Lane, a distance of 20.29 feet along a curve to the right having a radius of 25.00 feet and a central angle of 46°29'47" to a point;

thence South 33°24'06" West along said Brick Lane, a distance of 125.00 feet to a point to the point of beginning.

Said Road Widening Easement "E" Containing 4,022 square feet or 0.09 acres, more or less.

Road Widening Easement "F" on Lot 6D-133

Beginning at a point at the northerly corner of the herein described premises on the easterly line of Brick Lane, said point is further located South 33°24'06" West, a distance of 22.48 feet from the northerly corner of Lot 6D-133;

thence South 19°19'46" West onto said Lot 6D-133, a distance of 74.80 feet to a point;

thence Southerly, a distance of 82.92 feet along a curve to the left having a radius of 75.00 feet and a central angle of 63°20'40" to a point on the northerly line of Constance Street;

thence North 56°35'54" West along said Constance Street, a distance of 49.60 feet to a point;

thence Northerly, a distance of 39.27 feet along a curve to the right having a radius of 25.00 feet and a central angle of 90°00'00" to a point on the easterly side of said Brick Lane;

thence North 33°24'06" East along said Brick Lane, a distance of 102.52 feet to a point to the point of beginning.

Said Road Widening Easement "F" Containing 2,480 square feet or 0.06 acres, more or less.

Road Widening Easement "G" on Lot 6D-134

Beginning at a point at the southerly corner of the herein described premises, said point in located at the southerly corner of Lot 6D-134 on the northerly line of Constance Street;

thence North 56°35'54" West along said Constance Street, a distance of 153.14 feet to a point;

thence South 58°03'09" East across said Lot 6D-134, a distance of 153.19 feet to a point on the westerly line of Lot 6D-135;

thence South 33°23'15" West along said Lot 6D-135, a distance of 3.89 feet to a point to the point of beginning.

Said Road Widening Easement "G" Containing 298 square feet or 0.01 acres, more or less.

Road Widening & Drainage Easement "H" on Lots 6D-117 & 6D-118

Beginning at a point at the easterly corner of the herein described premises on the southerly line of Constance Street, said point is further located North 56°35'54" West, a distance of 19.57 feet from the northerly corner of Lot 6D-115;

thence South 34°58'31" West onto Lot 6D-117, a distance of 47.00 feet to a point;

thence North 56°35'54" West, a distance of 45.00 feet to a point;

thence North 07°07'01" East, a distance of 42.64 feet to a point;

thence North 58°03'09" West, a distance of 118.71 feet to a point;

thence Northwesterly, a distance of 57.93 feet along a curve to the right having a radius of 125.00 feet and a central angle of 26°33'05" to a point on the southerly line of said Constance Street;

thence South 56°35'54" East along said Constance Street, a distance of 240.04 feet to a point to the point of beginning.

Said Road Widening & Drainage Easement "H" Containing 4,346 square feet or 0.10 acres, more or less

Drainage Easement "I" on Lots 6D-118 & 6D-119

Beginning at a point on the westerly line of the herein described premises, said point is located at the westerly corner of Lot 6D-118 and the northerly corner of Lot 6D-119 on the easterly line of Brick Lane;

thence North 33°24'06" East along said Brick Lane, a distance of 125.00 feet to a point;

thence South 07°45'40" West across said Lot 6D-118, a distance of 138.66 feet to a point at said Lot 6D-119;

thence North 83°09'36" West onto said Lot 6D-119, a distance of 22.36 feet to a point;

thence North 56°35'42" West, a distance of 40.00 feet to a point on the easterly line of said Brick Lane;

thence North 33°24'06" East along said Brick Lane, a distance of 10.00 feet to the point of beginning.

Containing 4,250 square feet or 0.10 acres, more or less.

These drainage easements shall include the perpetual right to enter upon the real estate described at any time that the Grantee, its successors or assigns may see fit to construct, maintain, or repair natural drainage areas or to construct, maintain, or repair underground pipelines and/or drains, together with the right to excavate and refill ditches and/or trenches for the location of pipelines and/or drains and to generally use the easement area for drainage purposes. The Grantee, in accepting the drainage easement agrees that it shall repair and resurface any disruption caused by it to paved areas, returning same as close as reasonably possible to its previous condition, and shall regrade, replant and reseed any disruption caused by it to landscaped areas; and that, except in emergency situations, it shall provide the Grantor, its successors and assigns, with 48 hours' prior notice of any maintenance or repairs to be performed. The Grantor, its successors and assigns shall have the right to cross and otherwise utilize the easement area for reasonable purposes.

These road widening easements are intended to accommodate travel and use of public roads and shall include the perpetual right to enter upon the real estate described at any time that the Grantee, its successors or assigns, may see fit to construct, pave and maintain a roadway in the easement area, or to expand the existing abutting roadway. This easement shall also allow the Grantor to clear and maintain the easement to provide adequate sight distance or line of sight associated with the abutting public roadway.

The Grantee, in accepting the road widening easement, agrees that it shall repair and resurface any disruption caused by it to paved areas, returning same as close as reasonably possible to its previous condition and shall regrade, replant and reseed any disruption caused by it to

landscaped areas; and that, except in emergency situations, it shall provide the Grantor, its successors and assigns, with 48 hours prior notice of any maintenance or repairs to be performed.

The Grantor, its successors and assigns, shall have the right to cross and otherwise utilize the drainage and road widening easement areas for reasonable purposes including maintenance of a lawn or other landscaping which will not interfere with the purpose of these easements. The Grantor, its successors or assigns shall not erect or construct any building or other structure, plant trees or landscaping which obstruct line of sight or sight distance established by the Grantee, or drill or operate any well, or construct any other obstruction on or within the drainage or road widening easement areas. The preceding includes actions or placement of structures that frustrate the purpose for which the drainage or road widening easements were granted, including but not limited to, the dumping of lawn or yard materials or wastes that prevents the necessary drainage and flow of water in the drainage easements or wetlands on site, as well as the dumping of trash, fill, or refuse in the wetlands on site.

For title reference see Book 9212, Page 851 recorded at the Hillsborough County Registry of Deeds. The terms of these easements shall run with the land and shall be binding upon the Grantor its respective heirs, successors, devisees, and assigns. These easements shall be an easement in gross to the Town.

This conveyance is exempt from the real estate transfer tax pursuant to RSA 78-B:2, I; this conveyance is exempt from the LCHIP charge pursuant to RSA 478:17-g, II(a) because the Town is a party.

This is not homestead property.

[Signature page to follow]

IN WITNESS WHEREOF, the owner of record has caused this deed to be executed this _____ day of _____, 2021.

GOVERNOR’S HILL CORP.

Witness

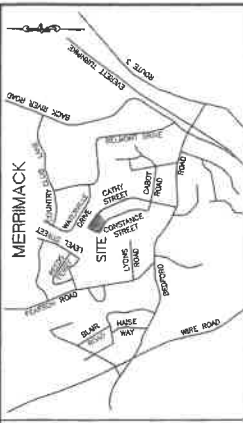
By: Robert LaMontagne, President

STATE OF NEW HAMPSHIRE
COUNTY OF HILLSBOROUGH

On this _____ day of _____, 2021, before me personally appeared Robert LaMontagne, President of Governor’s Hill Corp. and acknowledged the foregoing instrument to be his voluntary act and deed on behalf of said corporation.

Notary Public/Justice of the Peace
My Commission Expires: _____

SHEET INDEX:
 SHEET 1 OF 2 - EXHIBIT PLAN
 SHEET 2 OF 2 - DRAINAGE/ROADWAY IMPROVEMENTS PLAN



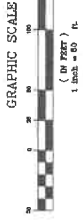
LOCUS MAP
 SCALE: 1" = 2,000'

NOTES:

1. THE PURPOSE OF THIS PLAN IS TO OBTAIN APPROVED ROAD WIDENING AND IMPROVEMENTS FOR CATHY STREET, BRICK LANE & CONSTANCE STREET AS SHOWN ON THIS PLAN.
2. THIS PLAN IS THE RESULT OF AN ACTUAL FIELD SURVEY MADE ON THE GROUND BY THIS OFFICE DURING OCCURRENCE OF 2010 AND 2011.
3. THE CHANGES, ITS SURRENDERS OR RECORDS SHALL NOT BE SUBJECT TO CONVEYANCE OF ANY KIND OR OTHER STRUCTURE PLANT THEREON. THE CHANGES, ITS SURRENDERS OR RECORDS SHALL NOT BE SUBJECT TO CONVEYANCE OF ANY KIND OR OTHER STRUCTURE PLANT THEREON. THE CHANGES, ITS SURRENDERS OR RECORDS SHALL NOT BE SUBJECT TO CONVEYANCE OF ANY KIND OR OTHER STRUCTURE PLANT THEREON.
4. THE MAP SHALL BE RECORDED IN THE HILLSBOROUGH COUNTY REGISTER OF DEEDS.

LEGEND

- SEWER MANHOLE
- CATCH BASIN
- EDGE OF PAVEMENT
- ENTRANCE CURB
- SOFT CUT W/RT
- EXISTING EASEMENT
- PROPOSED EASEMENT
- PER HILLSBOROUGH COUNTY REGISTER OF DEEDS PLUM #4425



EASEMENT PLAN
 FOR THE BENEFIT OF THE TOWN OF MERRIMACK
 CATHY STREET, CONSTANCE STREET & BRICK LANE
 LOCATED IN THE LEVEL ACRES SUBDIVISION
 MERRIMACK, NEW HAMPSHIRE
 HILLSBOROUGH COUNTY

DIVISION OF RECORDS
 317 SOUTH RIVER ROAD
 BEFFORD, NH 03110
 EXT. 922 P.C. 251



16 Commerce Park North, Suite 20, Bedford, NH 03110 Phone (603) 487-0800

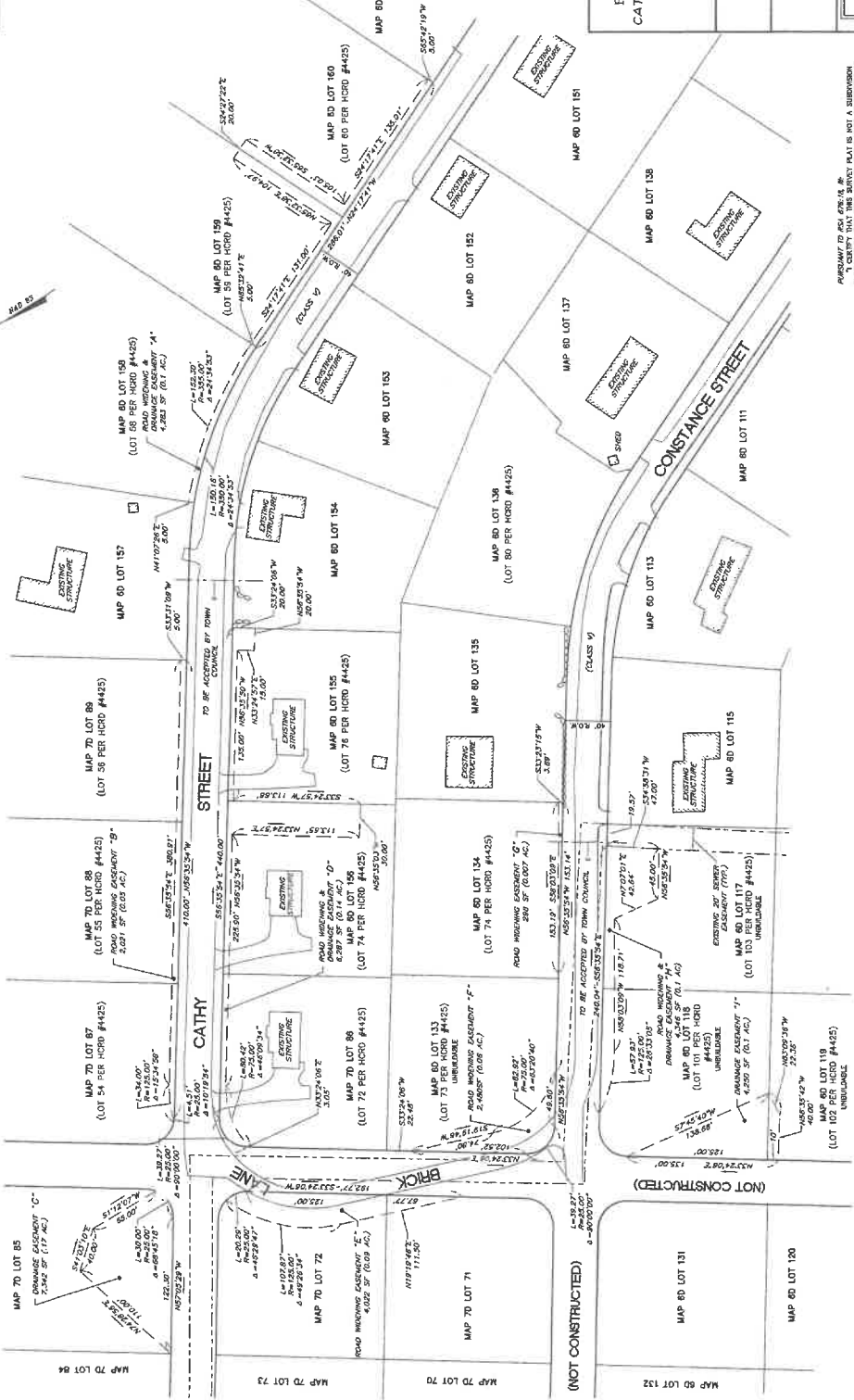
REVISIONS

NO.	DATE	DESCRIPTION
1	10/21/13	ISSUED FOR PERMITS
2	11/27/13	PLAN CLEANUP
3	12/09/13	ADDRESS TOWN COMMENTS
4		

DATE: OCT. 23, 2013 SCALE: 1"=50'
 PROJECT NO.: 10-0223-1 SHEET: 1 OF 2

SHEET INDEX:

SHEET 1 OF 2 - EXHIBIT PLAN
 SHEET 2 OF 2 - DRAINAGE/ROADWAY IMPROVEMENTS PLAN



APPROVED FOR THE TOWN OF MERRIMACK
 TOWN ENGINEER
 DATE: 10/24/13
 (SIGNATURE)
 TOWN ENGINEER

PERMITS TO CONVEYANCE
 HILLSBOROUGH COUNTY REGISTER OF DEEDS
 DATE: 10/24/13

