



RESOLUTION

AUTHORIZING THE GRANTING OF AN EASEMENT TO THE NASHUA MILLYARD ASSOCIATES, INC. OVER LAND LOCATED AT 2 PINE STREET EXTENSION

CITY OF NASHUA

In the Year Two Thousand and Nineteen

RESOLVED by the Board of Aldermen of the City of Nashua to authorize granting of a utility easement to the Nashua Millyard Associates, Inc. over land located at 2 Pine Street Extension. The easement will be conveyed from the City by an Easement Deed substantially similar to the attached.

LEGISLATIVE YEAR 2019

RESOLUTION: R-19-131

PURPOSE: Authorizing the granting of an easement to the Nashua Millyard Associates, Inc. over land located at 2 Pine Street Extension

SPONSOR(S): Mayor Jim Donchess

**COMMITTEE
ASSIGNMENT:**

FISCAL NOTE: None

ANALYSIS

Pursuant to the Parkway Improvements Agreement, dated May 5, 2014, between the City and Nashua Millyard Associates, Inc. ("Millyard") and various Millyard owners, the City was obligated to construct, install and connect a new fire pump and connect it to the Millyard's existing fire system. The City has completed the construction installation and connection of the fire pump. The Agreement also requires the City to grant an easement to the Millyard. This resolution authorizes the granting of the required utility easement to the Millyard "over, under and across City land as may be reasonably necessary or advisable for Millyard in order to continue use and operation of the fire system" on land located at 2 Pine Street Extension.

Approved as to form: Office of Corporation Counsel

By:  _____

Date: April 3, 2019

After recording return to:

EASEMENT DEED

The City of Nashua, a municipal corporation, 229 Main Street, Nashua, New Hampshire 03061 (“Grantor”) for consideration, grants to the **Nashua Millyard Associates, Inc.**, a New Hampshire corporation, having a usual place of business at Pine Street Extension, P.O. Box 766, Nashua, New Hampshire 03061 (“Grantee”), the following described easement, over, under and across land of the Grantor located at 2 Pine Street Extension, Nashua, Hillsborough County, New Hampshire (“Land”) and shown as Proposed Utility Easement on a plan entitled “_____” dated _____ which plan is recorded at the Hillsborough County Registry of Deeds as Plan # _____ (the “Plan”) (the “Easement Area”):

[insert metes and bounds]

Said easement containing 1,569 sq.ft., more or less.

Fire Pump Utility Easement

Grantee owns a certain fire pump and all accessories and related structures, the connection of the fire pump to the Grantee’s fire suppression system and the Grantee’s fire suppression system on the Land (together the “Fire Pump”). Grantor grants to Grantee an easement over, under and across the Land in the Easement Area as may be reasonably necessary or advisable for Grantee to use, operate, maintain, repair and replace the Fire Pump. Grantee bears sole responsibility for the use, operation, maintenance, repair and replacement of the Fire Pump in a safe manner and in compliance with all applicable laws and regulations and shall be solely responsible for all the costs associated with the same. Grantee agrees and undertakes to hold Grantor and its successors free and harmless from any loss, damage, expense, including costs and reasonable attorney’s fees, or liability which Grantor may incur as a result of any claims or actions which are or may be made arising out of Grantee’s rights granted hereunder or failure of Grantee to comply with its responsibilities hereunder.

Grantee shall restore the disturbed area following any disturbance caused by the Grantee or its agents on the Land. Grantee, except as structures already exist, shall not construct or erect any structures over, under or on the Easement Area.

Grantee shall access the Easement Area only via the area marked "Fire Pump Access" on the Plan or via a route which Grantor, in its sole discretion, may determine and communicate to Grantee in writing. Grantee shall only access the Easement Area to use, operate, maintain, repair or replace the Fire Pump.

This easement shall be governed exclusively by the laws of the State of New Hampshire and any claim or action brought relating to this easement shall be brought in Hillsborough County (New Hampshire) Superior Court Southern Judicial District or in the New Hampshire 9th Circuit Court—Nashua and not elsewhere.

The Land is a portion of the premises conveyed to Grantor by tax deed dated April 17, 1991 and recorded in Hillsborough County Registry of Deeds at Book 5250, Page 1889.

Subject to easements, restrictions, and reservations of record.

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

City of Nashua Resolution R-19-____ authorizing the City's granting of the easement described herein was passed by the Board of Aldermen on _____.

CITY OF NASHUA

Date: _____

James W. Donchess, Mayor

STATE OF NEW HAMPSHIRE
COUNTY OF HILLSBOROUGH

This instrument was acknowledged before me this _____ day of _____, 2019, by James W. Donchess, Mayor, duly authorized, on behalf of the City of Nashua.

Notary Public
My Commission Expires: