

**ACQUISITION FROM THE  
BOSTON AND MAINE CORPORATION**

**LONDONDERRY  
ROCKINGHAM COUNTY REGISTRY**

KNOW ALL MEN BY THESE PRESENTS

that BOSTON AND MAINE CORPORATION, a corporation duly organized and existing under the laws of the State of Delaware, with offices at Iron Horse Park, North Billerica, Middlesex County, Massachusetts 01862, hereinafter referred to as "Grantor", for \$34,782.00 paid to it by the STATE OF NEW HAMPSHIRE, Department of Transportation, with offices at John O. Morton Building, P.O. Box 483, Concord, NH 03301-0483, hereinafter referred to as "Grantee", does hereby give, grant, bargain, sell, and convey unto said Grantee, all of its right, title and interest, without warranties, either expressed or implied, in and to a certain piece or parcel of land situated in Londonderry, Rockingham County, New Hampshire, and bounded and described as follows:

SEE EXHIBIT "A" ATTACHED HERETO

This conveyance is made without granting any right-of-way, either by necessity or otherwise, over remaining land or location of the grantor, its successors and assigns.

The Grantor reserves unto itself, its successors and assigns, a permanent right-of-way and easement within a twenty (20) foot strip of said parcel along the entire northerly side of the said parcel described above, for the purpose of construction, installation, operation, maintenance, repair, reinstallation, relocation, and removal of an underground telecommunication transmission systems to be located in, over, under, along, through, and across said parcel. Provided, however, that all work in connection therewith is done promptly and without cost or liability on the part of the Grantee and without unreasonable interruption of use of said premises by the Grantee, its successors and assigns, and provided further that the Grantor, its successors and assigns, shall forthwith restore the surface of said premises to at least the same conditions as existed prior to

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ROCKINGHAM COUNTY  
REGISTRY OF DEEDS

undertaking any work hereunder. Such installation thereof is desired by the Grantor, its successors and assigns; together with the right of access to the area where the cable is to be located; provided, further, this conveyance is made expressly subject to the right reserved to the Grantor, for itself, its successors and assigns, to freely assign this reserved right to others. By acceptance of this deed and as part consideration therefor, the Grantee hereby covenants and agrees for itself, its successors and assigns, to recognize this reservation as a reserved right-of-way and easement appurtenant, and further covenants that upon the request of the Grantor, its successors and assigns, to execute documents suitable in form for recording in the Registry of Deeds, which documents confirm and acknowledge this reservation to the Grantor's successors and assigns, and acknowledge the right of the Grantor, its successors and assigns, to assign same to third parties. Said documents to be executed without the payment of further consideration of any kind by the Grantor, its successors and assigns, to the Grantee, its successors and assigns. Provided, however, the Grantor covenants and agrees for itself, its successors and assigns, to replace and restore the surface of the reserved easement areas to the reasonable satisfaction of the Grantee, its successors and assigns, to the same or as good conditions as existed prior to the undertaking of any work thereon, in the event the surface of the location thereof has been paved by the Grantee, its successors or assigns.

By acceptance of this deed and as part consideration therefor, the Grantee covenants for itself, its successors and assigns, to assume and hereby does assume any and all obligations and liabilities of the Grantor, its successors and assigns, arising after the date of this deed, relative to underground facilities, drainage, culverts, walls, crossing, and/or structures located in whole or in part within the limits of said above-

described parcels, except facilities located within the aforementioned easement for telecommunications transmission systems.

The Grantee hereby covenants and agrees for itself, its successors and assigns, to provide and preserve to the Grantor, its successors and assigns, a right to pass and repass in, over, through, and across the conveyed premises from time to time and at any and all times on foot and in or with vehicles for the purposes of installation, use, and maintenance of services and utilities and ingress to and egress from remaining land and location of the Grantor which is located southeasterly of said conveyed premises.

The covenants in this deed contained are to be covenants running with the land and are to be binding upon the Grantee, its successors and assigns, forever.

TO HAVE AND TO HOLD the above-described premises, with all the privileges and appurtenances thereto belonging, to the said STATE OF NEW HAMPSHIRE, its successors and assigns, to its own use and behoof forever.

IN WITNESS WHEREOF, the said Boston and Maine Corporation has caused these presents to be executed in its name, and its corporate seal to be hereto affixed, by David A. Fink, President, thereunto duly authorized, this 13<sup>th</sup> day of October, 1988.

BOSTON AND MAINE CORPORATION

By:   
(David A. Fink, President)


COMMONWEALTH OF MASSACHUSETTS

*Middlesex*  
~~Suffolk~~, ss.

I HEREBY CERTIFY that on this day, before me, personally appeared the above-named David A. Fink known to me or satisfactorily proved to be the person whose name is subscribed to the within instrument and that he acknowledged executing the foregoing instrument freely and voluntarily under authority vested in him by said corporation and that the seal affixed thereto is the true corporate seal of said corporation.

Witness my hand and official seal this 13<sup>th</sup> day of October, 1988.

*[Handwritten Signature]*  
Notary Public  
My Commission Expires:  
*10/22/99*

A circular notary seal for the Commonwealth of Massachusetts. The outer ring contains the text "COMMONWEALTH OF MASSACHUSETTS" at the top and "NOTARY PUBLIC" at the bottom. The inner circle contains the text "NOTARY PUBLIC" and "STATE OF MASSACHUSETTS". There is a star in the center of the seal.

## EXHIBIT "A"

BOSTON AND MAINE CORPORATION TO:

State of New Hampshire

That segment of Right-of-Way being thirty feet wide, measured from the easterly sideline of the Right-of-Way of V10/16. Beginning at a point on the easterly sideline of Wilson's Crossing (Auburn Road) at Station 2387+90+ of the centerline of location of the Boston and Maine Corporation; thence running generally in a southeasterly direction to Station 2384+16+ of said centerline of location of the Boston and Maine Corporation; said 30 foot wide segment being a part of Parcel No. 2 on Map 16 of Valuation Section 10 and containing 11,220+ Sq. Ft.

BOSTON AND MAINE CORPORATIONSecretary's Certificate

October 13, 1988

I, John P. Cronin, being the duly elected and presently serving Secretary of the Boston and Maine Corporation (the "Corporation"), do hereby certify that the following votes were duly adopted by the directors of the Corporation by unanimous written consent effective October 13, 1988:

VOTED: That the Corporation assign, sell, transfer and convey to the State of New Hampshire a parcel of land in Londonderry, New Hampshire consisting of approximately 11,220 square feet, as more particularly described in Exhibit A attached hereto, for a purchase price of thirty-four thousand seven hundred eighty-two dollars (\$34,782).

VOTED: That David A. Fink, president of the Corporation, is hereby authorized, empowered and directed, on behalf of and in the name of the Corporation, to execute, seal and deliver the deed and such other certificates or instruments as he shall deem necessary, appropriate or convenient to effect the transaction contemplated by the foregoing vote.

I further certify that such votes have not been altered, amended or rescinded and remain in full force and effect as of the date hereof.

WITNESS my hand and seal of the Corporation as of this 13th day of October, 1988.

  
John P. Cronin, Secretary

