

AMENDMENT TO AGREEMENT

WHEREAS, the State of New Hampshire Department of Transportation and City of Laconia entered into a Rail-Trail Agreement on May 28, 2009;

WHEREAS, paragraph 3 of the agreement reads, "WHEREAS, the Permittee proposes to construct and manage a Recreational Trail for non-motorized recreational purposes and snowmobiles, along and across active portions of the State-owned Concord-Lincoln railroad line, from approximate Valuation Station 1455+15, Map 21/63 (Main Street), to approximate Valuation Station 1525+25, Map 21/65 (Elm Street), hereinafter referred to as the "Recreational Trail", as per the approved Final Plans, and the Prosecution of Trail Work both as defined in Section 1.1."

WHEREAS, Section 1.1 reads, "The Permittee agrees that all work on construction, maintenance, repair, and reconstruction of said Recreational Trail shall be performed at a time and under conditions acceptable to the Bureau, as described in the Final Plans entitled Design Drawings for W.O.W. Trail – Phase I prepared for the City of Laconia, Belknap County, New Hampshire State Project No. 14409, Federal Project No. X-A000 (349), Issued January 11, 2008, revised May 30, 2008, revised February 12, 2009," prepared by H.E. Bergeron Engineers, Inc. (the "Final Plans") and the attached Prosecution of Trail Work dated March 10, 2008 (the "Prosecution of Work"), for this project. The Final Plans and the Prosecution of Work are hereby incorporated and made a part of this Agreement. At no time shall any work interfere with railroad operations or other uses of the property by the State, its lessees or assigns. The Permittee is solely responsible for its equipment, contractors, and personnel along the State-owned railroad corridor. All trail construction work must be completed from the trail and not from any portion of the railroad track structure."

RESOLVED, the New Hampshire Department of Transportation and City of Laconia agree that the agreement be amended as follows:

Paragraph 3 to read, "WHEREAS, the Permittee proposes to construct and manage a Recreational Trail for non-motorized recreational purposes and snowmobiles, along and across active portions of the State-owned Concord-Lincoln railroad line, from approximate Valuation Station 1397+70 +/-, Map 21/62 (Belmont Town Line), to approximate Valuation Station 1525+25, Map 21/65 (Elm Street), hereinafter referred to as the "Recreational Trail", as per the approved Final Plans sets, and the Prosecution of Trail Work documents as defined in Section 1.1."

Section 1.1 to read, "The Permittee agrees that all work on construction, maintenance, repair, and reconstruction of said Recreational Trail shall be performed at a time and under conditions acceptable to the Bureau, as described in the Final Plans entitled Design Drawings for W.O.W. Trail – Phase I prepared for the City of Laconia, Belknap County, New Hampshire State Project No. 14409, Federal Project No. X-A000 (349), Issued January 11, 2008, revised May 30, 2008, revised February 12, 2009," prepared by H.E. Bergeron Engineers, Inc., the attached Prosecution of Trail Work dated March 10, 2008, the final plans entitled Construction Drawings for W.O.W. Trail – Phase II prepared for the City of Laconia, Belknap County, New Hampshire, HEB Project # 2012-048, Issued February 19, 2016 and the attached Prosecution of Trail Work dated January 14, 2016. The Final Plans sets and the Prosecution of Work documents are hereby incorporated and made a

part of this Agreement. At no time shall any work interfere with railroad operations or other uses of the property by the State, its lessees or assigns. The Permittee is solely responsible for its equipment, contractors, and personnel along the State-owned railroad corridor. All trail construction work must be completed from the trail and not from any portion of the railroad track structure.”

All other provisions of the Agreement shall remain in effect.

IN WITNESS WHEREOF, the Parties hereto have executed this Renewal of the above referenced TRAIL AGREEMENT in duplicate.

PERMITTEE

By: [Signature] Date: 5-23-17
Name & Title: Scott Myer, City Manager

STATE OF New Hampshire COUNTY OF Bucknap
Bucknap County

On, 5/23/17, before the undersigned officer personally appeared Scott Myer known to me (or satisfactorily proven) to be the City Manager of the corporation identified in the foregoing document, and acknowledged that he/she executed the foregoing document.

In witness whereof I hereunto set my hand and official seal.

5/23/17
Date

Nancy Brown
Notary Public

NANCY E. BROWN
NOTARY PUBLIC
State of New Hampshire
My Commission Expires
June 19, 2018

STATE

By: [Signature]
Patrick Herlihy, Director
Division of Aeronautics, Rail & Transit
New Hampshire Department of Transportation

The foregoing Agreement, having been reviewed by this office, is approved as to form and execution on June 12, 20 17.

OFFICE OF THE ATTORNEY GENERAL

By: [Signature]
Assistant Attorney General