

**DISPOSAL FROM THE  
STATE OF NEW HAMPSHIRE**

**TO**

**TOWN OF ANDOVER**

**ANDOVER  
MERRIMACK COUNTY REGISTRY**

Town of Andover  
P.O. Box 61

Andover, N.H.  
03216

QUITCLAIM DEED

MCRD Book 3152 Page 1921

18.44  
2.00

**KNOW ALL MEN BY THESE PRESENTS THAT** The State of New Hampshire, whose mailing address is the Department of Transportation, Hazen Drive, P.O. Box 483, Concord, NH 03302-0483, pursuant to RSA 4:40 and RSA 228:67, for considerations paid to it in hand before the delivery hereof, well and truly paid by Town of Andover, a Municipal Corporation whose mailing address is PO Box 61, Andover, New Hampshire, 03216, has remised, released and forever QUITCLAIMED, and by these presents, does remise, release and forever quitclaim unto said Town of Andover, its successors, and assigns forever:

Any and all interest the State of New Hampshire has in a tract of land (Exhibit), which is a portion of the State-owned Northern railroad corridor, in the Town of Andover, County of Merrimack, State of New Hampshire, bounded and described as follows:

Beginning at a point, said point being forty one and twenty five hundredths (41.25) feet southerly of the centerline of the State-owned Northern Railroad Corridor as shown on aforementioned Exhibit, and nearly opposite Engineering Station 1535+75, Valuation Sheet 32.1/30 and in division line between land to be conveyed and land n/f of C.E. Carr; thence southwesterly 397 feet to a point in the easterly sideline of Lawrence Street as now traveled, thence northwesterly along said sideline to a point, said point being 41.25 feet southerly of the centerline of the railroad corridor, thence along a line easterly and parallel to said centerline to the Point of Beginning.

Said parcel of land part of the railroad corridor formerly known as the Northern Railroad includes any and all appurtenances thereto and all fixtures attached or affixed thereon except as hereinbefore excepted. Said parcel of land is generally southerly of the corridor and is more particularly defined as shown outlined within cross hatched areas on federal valuation plans on file with the Town of Andover, PO Box 61, Andover, NH 03216 and the State of New Hampshire, Department of Transportation, Bureau of Rail & Transit, 7 Hazen Drive, P.O. Box 483, Concord, New Hampshire 03302-0483.

Containing seventy-five hundredths (.75) acres, more or less and meaning and intending to convey a portion of that railroad corridor conveyed by the Boston & Maine Corporation to the State of New Hampshire by Release Deed, and recorded in the Merrimack County Registry of Deeds on July 13, 1995, in Book 1992, Pages 1386-1390.



LT1-2-744906-1



LT2-3152-1921-3

**Excepting and Reserving**, any easements that may cross said property that may be of record, and whether shown on the above-mentioned plan or not.

The Grantor reserves the right to restore railroad service upon the property should it be required.

The Grantee may install underground utilities upon the property if their design is consistent with railroad engineering requirements. The Grantee may install such utilities without meeting railroad engineering requirements provided that said utilities will be removed at Grantee's sole expense should railroad service resume upon the property.

Should the Grantee wish to dispose of the property, it must first be offered to the Grantor. Eighty (80%) percent of any proceeds from such sale shall be returned to the Grantor.

Proceeds from any lease, license, or other use of the property must be dedicated to maintenance, repairs, or improvements to the property.

The grantees for themselves, their personal representatives, successors in interest, and assigns, as a part of the consideration hereof, do hereby covenant and agree as a covenant running with the land that (1) no person on the grounds of race, color, or national origin shall be excluded from participation in, be denied the benefits of, or be otherwise subject to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over or under such land and the furnishing of services thereon, no person on the grounds of race, color, or national origin shall be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination, and (3) that the grantees shall use the premises in compliance with all other requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

**TO HAVE AND TO HOLD** said premises, with all the privileges and appurtenances thereunto belonging to the said grantee, its successors and assigns forever.

IN WITNESS WHEREOF, The State of New Hampshire has caused its name to be set and its seal to be hereunto affixed by the Commissioner of the New Hampshire Department of Transportation, duly authorized and executed this 9<sup>th</sup> day of April, 2009.

Signed, Sealed and Delivered in the presence of

[Signature]  
Witness

STATE OF NEW HAMPSHIRE

[Signature]  
for Commissioner, Department of Transportation  
JACK W. FERNS, Director  
Aeronautics, Rail, and Transit  
NHDOT

THE STATE OF NEW HAMPSHIRE  
COUNTY OF MERRIMACK

On this 9<sup>th</sup> day of April, 2009, before me, Jack W Ferns the undersigned officer, personally appeared the Commissioner of the Department of Transportation, and that as such Commissioner, being authorized so to do, executed the forgoing instrument for the purposes therein contained, by signing the name of the State of New Hampshire as the Commissioner of the Department of Transportation.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

[Signature]  
WENDY C. BOBRICK, Notary Public  
My Commission Expires October 5, 2010

The foregoing Agreement, having been reviewed by this office, is approved as to form and execution on August 26, 2009.

OFFICE OF THE ATTORNEY GENERAL

By: [Signature]  
Assistant Attorney General

Approved by Long Range Capital Planning and Utilization Committee on January 27, 2009.  
Approved by Council on Resources and Development on December 15, 2005.

Approved by Governor and Executive Council on March 4, 2009, Item # 67.

MERRIMACK COUNTY RECORDS

[Signature], CPO, Register