

X City of Concord (PLANNING DEPT.)
City Manager's Office
41 Green Street
Concord NH 03301

Doc# 688099
Book: 3011 Pages: 0856 - 0880
Filed & Recorded
08/14/2007 2:09PM

Book 3011 Page 856

NOTICE OF ACTIVITY AND USE RESTRICTION

Site: Former Allied Leather Tannery
31 & 35 East Street, and
15 Crescent Street
Concord, New Hampshire 03303
Map P1, Block 7, Lots 6, 7, 16 & 17

NHDES Site No.: 198605043

This Notice of Activity and Use Restriction ("Notice") is made on this 14th day of August, 2007 by the City of Concord, 41 Green Street, Concord, New Hampshire 03301 together with its successors and assigns (collectively "Owner").

WITNESSETH

WHEREAS, City of Concord, 41 Green Street, Concord, New Hampshire is the Owner of those certain parcels of land located in Concord, New Hampshire with the buildings and improvements thereon ("Property") and recorded at the Merrimack County, New Hampshire Registry of Deeds at Book 2585, Pages 426, 430, 422 and at Book 2662, Page 624; with Notice of Lot Consolidation recorded at Book 2975, Page 1136; and,

WHEREAS, said parcel of land, which is more particularly bounded and described in Exhibit A, attached thereto and made a part hereof, is subject to this Notice of Activity and Use Restriction. The Property is shown on a plan recorded at the Merrimack County, New Hampshire Registry of Deeds as Plan #14821 dated August 4, 1999. Exhibit B, attached hereto and made a part hereof, is a reduced copy of such plan showing the Property subject to this Notice with additional information; and,

WHEREAS, the Property comprises an industrial site where releases of polycyclic aromatic hydrocarbons (PAHs), volatile organic compounds (VOCs), chromium, and lead have occurred; and,



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Former Allied Leather Tannery – Activity and Use Restriction

WHEREAS, PAHs remain in the soil of the Property at levels above the New Hampshire Department of Environmental Services (“NHDES”) Env-Or 600, Soil Remediation Standards, as filed with NHDES; and,

WHEREAS, in accordance with the NHDES Code of Administrative Rules Env-Or 600, Contaminated Site Management, the NHDES has required assurances that activities and uses of the Property will be restricted so as to minimize risks to human health and the environment; and,

WHEREAS, the portion of the Property known as having PAHs above the aforementioned Env-Or 600, Soil Remediation Standards in the surficial soil has been capped with three feet of clean fill material to limit direct contact; and,

WHEREAS, the NHDES has reviewed and approved this Notice, and has approved the continued use of the Property subject to the restrictions set forth in this Notice.

NOW, THEREFORE, notice is hereby given that the Activity and Use Restriction (“AUR”) set forth below apply to the Property:

1. **Permitted Activities and Uses Set Forth in the AUR.** The AUR provides that, pursuant to (applicable statute, rule or policy), no significant risk exists to human health, safety, or welfare or to the environment, under current conditions and for any foreseeable period of time, so long as the following activities and uses occur on the Property:
 - (a) Commercial or residential apartments/condominiums uses as permitted by the City of Concord Zoning Ordinances or otherwise by the City of Concord to include walkways and parking.
 - (b) Activities conducted within the Property that do not remove the clean cover material from the portion of the Property known as having PAHs, excavate or disturb subsurface soil throughout the remainder of the Property.
 - (c) Short term (three months or less) underground utility and/or construction activities including, but not limited to, excavations (including emergency repair of underground utilities), which are likely to disturb contaminated soil, provided that such activities are conducted in accordance with Obligations/Conditions (a), (b), (c) and (d) of Section 3 of this AUR, and all applicable worker and safety practices pursuant to OSHA Standards and 29 CFR 1910.120.
 - (d) Such other activities and uses, which, in the opinion of an Environmental Consulting Firm and with concurrence by NHDES, shall present no

Former Allied Leather Tannery – Activity and Use Restriction

greater risk or harm to human health, safety, or welfare or to the environment than the permitted activities and uses set forth herein.

2. **Prohibited Activities and Uses Set Forth in the AUR.** Activities and uses which are inconsistent with the AUR, and which, if implemented at the Property, may result in a significant risk of harm to human health, safety, or welfare or to the environment or presents a substantial hazard, are as follows:
 - (a) Any activity, including, but not limited to, excavation associated with underground utility or construction work which is likely to disturb PAH contaminated soil beneath the three foot clean material barrier without prior development and implementation of an NHDES approved Soil Management Plan and a site specific Health and Safety Plan in accordance with Obligations/Conditions (a) and (b) of Section 3 of this AUR.
 - (b) Any activity including, but not limited to farming/gardening or similar type activities with the intent of growing fruits, vegetables, and any other product likely intended for human consumption.
 - (c) Any activity including, but not limited to, relocation of PAH contaminated soil beneath the three foot clean material barrier unless such activity is first evaluated and approved by an Environmental Consulting Firm and the NHDES.

3. **Obligations/Conditions.** Obligations and/or Conditions to be undertaken and/or maintained at the Property to maintain a condition of no significant risk as set forth in the AUR shall include the following:
 - (a) A Soil Management Plan prepared by a qualified Environmental Consulting Firm and approved by the NHDES prior to commencement of any subsurface activity that may involve impact to PAH contaminated soil below the three foot clean material barrier or that would result in direct contact to humans or present a greater risk to the environment. The Soil Management Plan shall also identify potential issues relating to residual petroleum contamination in Areas B, C, and D as depicted on the attached figure (Exhibit B).
 - (b) A site specific Health and Safety Plan prepared by a Certified Hygienist or other qualified health and safety professional in accordance with 29 CFR 1910.120. The plan must clearly identify the location of the PAH contaminated soils depicted as Area A on the attached figure (Exhibit B) and specifically identify the types of personal protective equipment, monitoring devices, and engineering controls necessary to ensure that workers and others at the Property and neighboring properties are not exposed to PAHs through dermal contact, ingestion, and/or inhalation of

Former Allied Leather Tannery – Activity and Use Restriction

particulate dusts. The Health and Safety Plan shall also identify potential issues relating to residual petroleum contamination in Areas B, C, and D as depicted on the attached figure (Exhibit B).

- (c) The three foot clean material barrier must be maintained to ensure that PAH contaminated soils beneath the barrier remain inaccessible.
 - (d) PAH contaminated soil may not be relocated or moved unless first evaluated by an Environmental Consulting Firm which shall render an opinion that such relocation or movement of the soil is in accordance with the Soil Management Plan (if applicable) and is not inconsistent with maintaining a condition that is protective of human health and the environment.
4. **Emergency Procedures.** In the event of any emergency or condition that may result in significant risk or harm to human health from exposure to PAH contaminants, Property Owner shall:
- (a) Promptly notify the NHDES of such emergency or condition.
 - (b) Limit disturbance of PAH contaminated media to the minimum reasonably necessary to adequately respond to such emergency or condition.
 - (c) Implement appropriate precautions to reduce exposures to PAH contaminated media by workers and occupants at the Property and neighbors to the Property.
 - (d) Engage the services of an Environmental Consulting Firm to supervise the preparation and implementation of a written plan, for review and approval by NHDES, for restoring the Property to a condition consistent with the AUR.
 - (e) Take precautions to limit disturbance of contaminated media to the minimum necessary to respond to the emergency or condition.
5. **Proposed Changes in Activities and Uses.** The AUR may be amended or modified by Owner of the Property upon application to and approval by the NHDES. Any proposed changes in activities and uses at the Property that may result in a greater risk to exposure of known contaminants than currently exists at the Property shall be evaluated by an Environmental Consulting Firm, which shall render an opinion as to whether the proposed changes will present an unacceptable level of risk to human health and the environment. Said opinion shall accompany the application. Any and all requirements set forth in the opinion or by NHDES as part of the approval process to insure a condition of no significant risk in the implementation of the proposed activity or use shall be satisfied before such activity or use is commenced.

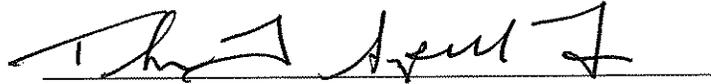
Former Allied Leather Tannery – Activity and Use Restriction

6. **Duration of Activity and Use Restrictions.** The AUR shall run with the land, become binding upon successive owners of the Property or portions of the Property and shall remain in effect until the soil contamination at the Property is shown to meet applicable standards.
7. **Termination of Activity and Use Restrictions.** The AUR may be terminated in accordance with the following procedures:
 - (a) Owner of Property shall submit to the NHDES a written request to terminate this AUR with an explanation as to why such restrictions are no longer necessary to maintain the protection of human health and the environment.
 - (b) Owner shall provide such supporting documentation as outlined in Env-Or 600 or as the NHDES may deem necessary to justify the termination of the AUR.
8. **Recordation.** This Notice of AUR, any modifications or amendments to this Notice of AUR, and termination of this Notice of AUR are effective upon recordation of the Notice in the chain of Title for the Property at the Merrimack County, New Hampshire Registry of Deeds. All recordation costs shall be the responsibility of the Property Owner. Owner shall provide certified copies of all AUR recorded instruments to the NHDES within 60 days of recordation.
9. **Incorporation Into Deeds, Mortgages, Leases, and Instruments of Transfer.** This Notice shall be incorporated either in full or by reference into the chain of title of all deeds, easements, mortgages, leases, licenses, occupancy agreements or any other instrument of transfer, whereby an interest in and/or a right to use the Property or a portion thereof is conveyed. The Activity and Use Restrictions and the proposed deed language shall be submitted to the NHDES for review and approval prior to recordation.
10. **Violation of Activity and Use Restriction.** The property owner shall notify NHDES in writing within 30 days of discovery of a violation of any condition of the NHDES approved and recorded AUR. Within 60 days of discovery of a violation, a property owner shall submit recommendations to correct the violation to NHDES for approval, including a corrective action plan and schedule for implementing the plan.
11. **Self-Certification.** The property owner shall self-certify compliance with the AUR every five years beginning in 2012 on a form provided by the NHDES. Within 30 days of receipt of a self-certification form from NHDES, the property owner at the time of notice shall: 1) sign the form to certify that all conditions of the NHDES-approved AUR are being met, and 2) return the signed form to NHDES.

Former Allied Leather Tannery – Activity and Use Restriction

Owner hereby authorizes and consents to the filing and recordation of this Notice, which shall become effective upon approval by the NHDES and recordation of this instrument at the Merrimack County New Hampshire Registry of Deeds in the chain of Title for the Property.

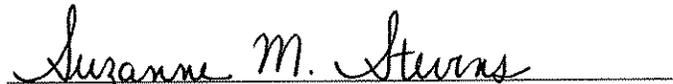
WITNESSETH the execution hereof under seal this 14th day of August, 2007.



Thomas J. Aspell, Jr.
City Manager
City of Concord, New Hampshire

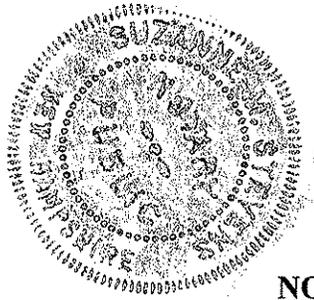
STATE OF NEW HAMPSHIRE
COUNTY OF MERRIMACK

On this day, Thomas J. Aspell, Jr., Concord City Manager, duly authorized agent for the City of Concord, personally appeared before me and executed this instrument on behalf of the City of Concord. In witness thereof, I place my signature and seal.


Notary Public / Justice of the Peace

8/14/07
Date

My Commission Expires: 4/4/2012



NOTARY BLOCK

EXHIBIT A

**Property Deeds containing Metes and Bounds of Properties subject to AUR
And
Notice of Lot Consolidation**

52250
22.37
200

Please Record & Return to:
Sulloway & Hollis, P.L.L.C.
9 Capitol Street
P.O. Box 1256
Concord, NH 03302-1256
Attention: Amy W. Bline

Doc# 535251
Book: 2585
Pages: 422 - 425
Filed & Recorded
10/17/2003 10:18:57 AM
KATHI L. BUAY, CPO, REGISTER

MERRIMACK COUNTY REGISTRY OF DEEDS
RECORDING \$ 22.00
SURCHARGE \$ 2.00
POSTAGE \$ 0.37

~~Book 2585 Page 422~~

Book 3011 Page 863

THE ABOVE SPACE IS FOR THE EXCLUSIVE USE OF THE REGISTRY OF DEEDS
(FOR PLACEMENT OF TRANSFER TAX STAMPS & RECORDING INFORMATION)

CORRECTIVE QUITCLAIM DEED

FOR CONSIDERATION PAID, Hannah Dustin Holdings, LLC, a New Hampshire limited liability company, having an address of 47 Commercial Street, Boscawen, New Hampshire 03303, grants to the City of Concord, a New Hampshire municipal corporation, having an address of 41 Green Street, Concord, New Hampshire 03301, with **QUITCLAIM COVENANTS**, the following:

A certain tract or parcel of land, together with the buildings and improvements thereon, and appurtenances thereto, situated in the Penacook section of the City of Concord, County of Merrimack, State of New Hampshire, now known, or formerly known on the City of Concord engineering maps as 23 East Street, more precisely described as Lot #3 on a plan entitled "Subdivision Plat - Land of Hannah Dustin Holdings LLC, East Street & Crescent Street, Concord (Penacook) NH, Merrimack County, Tax Map P1 Block 7 Lot 6 & 7", prepared by FWS Land Surveying, and recorded with the Merrimack County Registry of Deeds on August 4, 1999 as Plan #14821 (hereinafter the "Plan"), and being further bounded and described as follows:

Beginning at a railroad spike found on the northerly-most side of the City of Concord parking lot located on the northerly-most side of East Street as shown on the Plan, said spike marking the southwesterly-most corner of the lot herein conveyed;

Thence N 25° 41' 55" W a distance of 183.64 feet to a point;

Thence turning and running N 35° 06' 20" E a distance of 49.88 feet to a point;

Thence turning and running N 07° 21' 07" E a distance of approximately 43.19 feet to a point;

Thence turning and running S 22° 54' 29" E a distance of 205.58 feet to a point;

Thence turning and running N 64° 01' 46" E a distance of 43.28 feet to a point;

Thence turning and running S 25° 07' 59" E a distance of 38.19 feet to a point;

Thence turning and running S 64° 52' 01" W a distance of 28.60 feet to a point; and

Thence turning and running S 63° 23' 01" W a distance of 71.40 feet to the railroad spike found at the point of beginning.

Together with an easement (in favor of the owners of Lot #1, 2, 3 and 4 as shown on the Plan) to pass and re-pass, to install and maintain, at their expense, storm sewer connections, sanitary sewer connection, municipal water connections, natural gas utilities, electrical and any other utilities as needed to benefit Lots #1, 2, 3 and 4 as shown on the Plan, in accordance with an agreement made by and between Hannah Dustin Holdings, LLC and the City of Concord dated July 1, 1999 and recorded with the Merrimack County Registry of Deeds at Book 2168, Page 1929. See also Merrimack County Registry of Deeds, Book 2365, Page 1660; Book 2382, Page 1734; and Book 2479, Page 1451.

Together with all rights of the Grantor herein in and to a Water Usage Agreement by and between Briar Hydro Associates and Allied Leather Corporation, dated September 1, 1995 and recorded with the Merrimack County Registry of Deeds at Book 1997, Page 1370.

This conveyance is made subject to the following matters of record:

Subject to rights and easements outlined in the Quitclaim Deed conveyed by Penacook Electric Light Company to Brezner Tanning Company, Inc., dated January 23, 1942 and recorded with the Merrimack County Registry of Deeds at Book 591, Page 290, to the extent the same may affect these premises.

Subject to rights and easements outlined in the Quitclaim Deed conveyed by Penacook Electric Light Company to Brezner Tanning Company, Inc., dated December 31, 1946 and recorded with the Merrimack County Registry of Deeds at Book 627, Page 252, to the extent the same may affect these premises.

Subject to restrictions and easements outlined in the Quitclaim Deed conveyed by Penacook Electric Light Company to the City of Concord, dated July 29, 1947 and recorded with the Merrimack County Registry of Deeds at Book 641, Page 97, to the extent the same may affect these premises.

Subject to restrictions and easements outlined in the Quitclaim Deed conveyed by Penacook Electric Light Company to Brezner Realty Company, Inc., dated August 10, 1950 and recorded with the Merrimack County Registry of Deeds at Book 683, Page 299, to the extent the same may affect these premises.

Subject to restrictions and easements outlined in the Quitclaim Deed conveyed by Cudahy Company to Allied Leather Corporation, dated December 2, 1978 and recorded with the Merrimack County Registry of Deeds at Book 1337, Page 991, to the extent the same may affect these premises.

Subject to rights and easements outlined in the Easement Deed conveyed by Allied Leather Corporation to Penacook Hydro Associates, dated September 27, 1985 and recorded with the Merrimack County Registry of Deeds at Book 1531, Page 754, to the extent the same may affect these premises.

Subject to matters shown on Merrimack County Registry of Deeds Plan #14821.

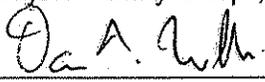
MEANING AND INTENDING to describe and convey hereby a portion of all and the same premises conveyed by Allied Leather Corporation to Hannah Dustin Holdings, LLC by Quitclaim Deed dated April 7, 1997 and recorded with the Merrimack County Registry of Deeds at Book 2052, Page 223.

THESE ARE NOT HOMESTEAD PREMISES.

This Corrective Quitclaim Deed is given simply to correct the name of the Plan and the recording date of the Plan as originally recited in the Quitclaim Deed conveyed by Hannah Dustin Holdings, LLC to the City of Concord, dated August 29, 2003 and recorded with the Merrimack County Registry of Deeds at Book 2560, Page 1447.

Executed this 16 day of October, 2003.

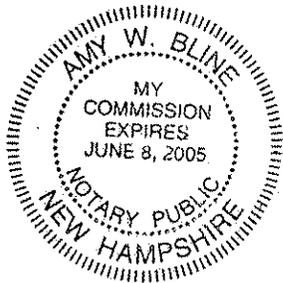
Hannah Dustin Holdings, LLC
By Cajon Realty Corp., Sole Member

By 
Dana V. Willis, President
Duly Authorized

[EXECUTE IN BLACK INK ONLY]

STATE OF NEW HAMPSHIRE
COUNTY OF MERRIMACK, SS.

The foregoing instrument was acknowledged before me this 16th day of October, 2003 by Dana V. Willis, duly authorized President of Cajon Realty Corp., Sole Member of Hannah Dustin Holdings, LLC, a New Hampshire limited liability company, on behalf of said company.



Amy W. Blinn
Notary Public

My commission expires: _____

Notary Seal or Stamp:

[EXECUTE IN BLACK INK ONLY]

MERRIMACK COUNTY RECORDS

Kath L. Grogan, CPS, Register

3

Doc# 535253
Book: 2585
Pages: 430 - 433
Filed & Recorded
10/17/2003 10:18:37 AM
KATHI L. GUAY, CPO, REGISTER

MERRIMACK COUNTY REGISTRY OF DEEDS
RECORDING \$ 22.00
SURCHARGE \$ 2.00
POSTAGE \$ 0.37

Please Record & Return to:
Sulloway & Hollis, P.L.L.C.
9 Capitol Street
P.O. Box 1256
Concord, NH 03302-1256
Attention: Amy W. Bline

22.37
200

~~Book 2585 Page 430~~

Book 3011 Page 867

THE ABOVE SPACE IS FOR THE EXCLUSIVE USE OF THE REGISTRY OF DEEDS
(FOR PLACEMENT OF TRANSFER TAX STAMPS & RECORDING INFORMATION)

CORRECTIVE QUITCLAIM DEED

FOR CONSIDERATION PAID, PMR Realty LLC, a New Hampshire limited liability company, having an address of 300 Bedford Street, Manchester, New Hampshire 03101, grants to the City of Concord, a New Hampshire municipal corporation, having an address of 41 Green Street, Concord, New Hampshire 03301, with **QUITCLAIM COVENANTS**, the following:

A certain tract or parcel of land, together with the buildings and improvements thereon, and appurtenances thereto, situated in the Penacook section of the City of Concord, County of Merrimack, State of New Hampshire, now known, or formerly known on the City of Concord engineering maps as 31 East Street, more precisely described as Lot #2 on a plan entitled "Subdivision Plat - Land of Hannah Dustin Holdings LLC, East Street & Crescent Street, Concord (Penacook) NH, Merrimack County, Tax Map P1 Block 7 Lot 6 & 7", prepared by FWS Land Surveying, and recorded with the Merrimack County Registry of Deeds on August 4, 1999 as Plan #14821 (hereinafter the "Plan"), and being further bounded and described as follows:

Beginning at a point on the northerly-most side of East Street as shown on the Plan, said point marking the southwesterly-most corner of the lot herein conveyed;

Thence N 25° 22' 21" W a distance of 33.87 feet to a point;

Thence turning and running S 64° 52' 01" W a distance of 14.92 feet to a point;

Thence turning and running N 25° 07' 59" W a distance of 38.19 feet to a point;
Thence turning and running N 64° 01' 46" E a distance of 78.41 feet to a point;
Thence turning and running N 65° 57' 21" E a distance of 28.53 feet to a point;
Thence turning and running S 25° 23' 49" E a distance of 10.29 feet to a point;
Thence turning and running N 65° 57' 21" E a distance of 42.50 feet to a point;
Thence turning and running S 25° 23' 49" E a distance of 64.67 feet to a point;
Thence turning and running S 64° 01' 42" W a distance of 8.96 feet to a point;
Thence turning and running S 68° 20' 57" W a distance of 50.47 feet to a point; and
Thence turning and running S 64° 59' 41" W a distance of 75.37 feet to the point of beginning.

Together with an easement (in favor of the owners of Lot #1, 2, 3 and 4 as shown on the Plan) to pass and re-pass, to install and maintain, at their expense, storm sewer connections, sanitary sewer connection, municipal water connections, natural gas utilities, electrical and any other utilities as needed to benefit Lots #1, 2, 3 and 4 as shown on the Plan, in accordance with an agreement made by and between Hannah Dustin Holdings, LLC and the City of Concord dated July 1, 1999 and recorded with the Merrimack County Registry of Deeds at Book 2168, Page 1929. See also Merrimack County Registry of Deeds, Book 2365, Page 1660 and Book 2382, Page 1734.

This conveyance is made subject to the following matters of record:

Subject to rights and easements outlined in the Quitclaim Deed conveyed by Penacook Electric Light Company to Brezner Tanning Company, Inc., dated January 23, 1942 and recorded with the Merrimack County Registry of Deeds at Book 591, Page 290, to the extent the same may affect these premises.

Subject to rights and easements outlined in the Quitclaim Deed conveyed by Penacook Electric Light Company to Brezner Tanning Company, Inc., dated December 31, 1946 and recorded with the Merrimack County Registry of Deeds at Book 627, Page 252, to the extent the same may affect these premises.

Subject to restrictions and easements outlined in the Quitclaim Deed conveyed by Penacook Electric Light Company to the City of Concord, dated July 29, 1947 and recorded with the Merrimack County Registry of Deeds at Book 641, Page 97, to the extent the same may affect these premises.

Subject to restrictions and easements outlined in the Quitclaim Deed conveyed by Penacook Electric Light Company to Brezner Realty Company, Inc., dated August 10, 1950 and recorded with the Merrimack County Registry of Deeds at Book 683, Page 299, to the extent the same may affect these premises.

Subject to restrictions and easements outlined in the Quitclaim Deed conveyed by Cudahy Company to Allied Leather Corporation, dated December 2, 1978 and recorded with the Merrimack County Registry of Deeds at Book 1337, Page 991, to the extent the same may affect these premises.

Subject to rights and easements outlined in the Easement Deed conveyed by Allied Leather Corporation to Penacook Hydro Associates, dated September 27, 1985 and recorded with the Merrimack County Registry of Deeds at Book 1531, Page 754, to the extent the same may affect these premises.

Subject to matters shown on Merrimack County Registry of Deeds Plan #14821.

Subject to rights and easements outlined in the Quitclaim Deed conveyed by Hannah Dustin Holdings, LLC to PMR Realty, LLC, dated March 27, 2003 and recorded with the Merrimack County Registry of Deeds at Book 2479, Page 1451.

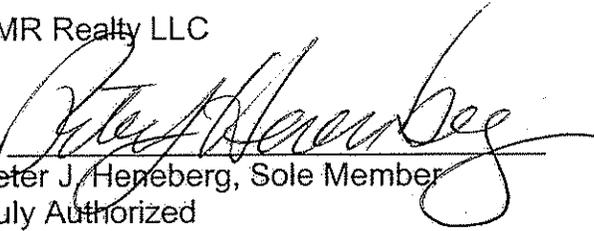
MEANING AND INTENDING to describe and convey hereby all and the same premises conveyed by Hannah Dustin Holdings, LLC to PMR Realty, LLC by Quitclaim Deed dated March 27, 2003 and recorded with the Merrimack County Registry of Deeds at Book 2479, Page 1451.

THESE ARE NOT HOMESTEAD PREMISES.

This Corrective Quitclaim Deed is given simply to correct the name of the Plan and the recording date of the Plan as originally recited in the Quitclaim Deed conveyed by PMR Realty LLC to the City of Concord, dated August 29, 2003 and recorded with the Merrimack County Registry of Deeds at Book 2560, Page 1455.

Executed this 16th day of October, 2003.

PMR Realty LLC

By 
Peter J. Hereberg, Sole Member
Duly Authorized

[EXECUTE IN BLACK INK ONLY]

STATE OF NEW HAMPSHIRE
COUNTY OF MERRIMACK, SS.

The foregoing instrument was acknowledged before me this 16th day of October, 2003 by Peter J. Henenberg, duly authorized Sole Member of PMR Realty LLC, a New Hampshire limited liability company, on behalf of said company.



Amy W. Blinn
Notary Public

My commission expires: _____

Notary Seal or Stamp:

[EXECUTE IN BLACK INK ONLY]

~~MERRIMACK COUNTY RECORDS~~

~~Shari L. Gray, CPO, Register~~

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22-37
200

Doc# 535252
Book: 2585
Pages: 426 - 429
Filed & Recorded
10/17/2003 10:10:57 AM
KATHI L. GUNY, CDD, REGISTER

MERRIMACK COUNTY REGISTRY OF DEEDS
RECORDING \$ 22.00
SURCHARGE \$ 2.00
POSTAGE \$ 0.37

Please Record & Return to:
Sulloway & Hollis, P.L.L.C.
9 Capitol Street
P.O. Box 1256
Concord, NH 03302-1256
Attention: Amy W. Bline

~~Book 2585 Page 426~~

Book 3011 Page 871

THE ABOVE SPACE IS FOR THE EXCLUSIVE USE OF THE REGISTRY OF DEEDS
(FOR PLACEMENT OF TRANSFER TAX STAMPS & RECORDING INFORMATION)

CORRECTIVE QUITCLAIM DEED

FOR CONSIDERATION PAID, Cajon Realty Corp., a New Hampshire corporation, having an address of 47 Commercial Street, Boscawen, New Hampshire 03303, grants to the City of Concord, a New Hampshire municipal corporation, having an address of 41 Green Street, Concord, New Hampshire 03301, with **QUITCLAIM**

COVENANTS, the following:

A certain tract or parcel of land, together with the buildings and improvements thereon, and appurtenances thereto, situated in the Penacook section of the City of Concord, County of Merrimack, State of New Hampshire, now known, or formerly known on the City of Concord engineering maps as 35 East Street, more precisely described as Lot #1 on a plan entitled "Subdivision Plat - Land of Hannah Dustin Holdings LLC, East Street & Crescent Street, Concord (Penacook) NH, Merrimack County, Tax Map P1 Block 7 Lot 6 & 7", prepared by FWS Land Surveying, and recorded with the Merrimack County Registry of Deeds on August 4, 1999 as Plan #14821 (hereinafter the "Plan"), and being further bounded and described as follows:

Beginning at a calculated boundary point at the most easterly point of said Lot #1 as shown on the Plan at the most westerly corner of the intersection of what is now, or formerly known as Crescent Street and East Street;

Thence S 63° 40' 25" W a distance of 200.08 feet along East Street to a point;

Thence turning and running S 64° 01' 42" W a distance of 14.51 feet to a point;
Thence turning and running N 25° 23' 49" W a distance of 64.67 feet to a point;
Thence turning and running S 65° 57' 21" W a distance of 42.50 feet to a point;
Thence turning and running N 25° 23' 49" W a distance of 10.29 feet to a point;
Thence turning and running S 65° 57' 21" W a distance of 28.53 feet to a point;
Thence turning and running S 64° 01' 46" E a distance of 121.69 feet to a point;
Thence turning and running N 22° 54' 29" W a distance of 205.58 feet to a point;
Thence turning and running N 07° 21' 07" E a distance of 36.18 feet to a point;
Thence turning and running N 76° 23' 09" E a distance of 386.88 feet to a point; and
Thence turning and running S 25° 24' 19" E a distance of 228.83 feet to the point of beginning.

Together with a full access easement located on Lot #4 as shown on the Plan for the benefit of the owner of Lot #1, the right to pass and re-pass, to fully access, without impediment, and to use for any lawful purpose, to construct and maintain parking facilities, at the owner of Lot #1's expense, to benefit the owner of Lot #1, its heirs, tenants and/or assigns, a section of Lot #4 described as follows:

Beginning at a point on the westerly side of what is now known, or formerly known as Crescent Street, at the most northeasterly corner of Lot #4 as shown on the Plan, at a point on Crescent Street, along land now or formerly of Briar Hydro Associates;

Thence S 25° 24' 19" E, 100.00 feet along Crescent Street to a point;

Thence S 76° 23' 09" W, 212.41 feet to a point;

Thence N 13° 42' 33" W, 120.89 feet to a point;

Thence N 83° 12' 36" E, 193.55 feet to the point of beginning.

Together with an easement (in favor of the owners of Lot #1, 2, 3 and 4 as shown on the Plan) to pass and re-pass, to install and maintain, at their expense, storm sewer connections, sanitary sewer connection, municipal water connections, natural gas utilities, electrical and any other utilities as needed to benefit Lots #1, 2, 3 and 4 as shown on the Plan, in accordance with an agreement made by and between Hannah Dustin Holdings, LLC and the City of Concord dated July 1, 1999 and recorded with the

Merrimack County Registry of Deeds at Book 2168, Page 1929. See also Merrimack County Registry of Deeds, Book 2365, Page 1160 and Book 2479, Page 1451.

Together with any rights of the Grantor, if any, under a certain Right of First Refusal reserved for the benefit of Dana Willis in the Quitclaim Deed conveyed by Hannah Dustin Holdings, LLC to Adam Delong, dated January 18, 2002 and recorded with the Merrimack County Registry of Deeds at Book 2332, Page 1641.

This conveyance is made subject to the following matters of record:

Subject to rights and easements outlined in the Quitclaim Deed conveyed by Penacook Electric Light Company to Brezner Tanning Company, Inc., dated January 23, 1942 and recorded with the Merrimack County Registry of Deeds at Book 591, Page 290, to the extent the same may affect these premises.

Subject to rights and easements outlined in the Quitclaim Deed conveyed by Penacook Electric Light Company to Brezner Tanning Company, Inc., dated December 31, 1946 and recorded with the Merrimack County Registry of Deeds at Book 627, Page 252, to the extent the same may affect these premises.

Subject to restrictions and easements outlined in the Quitclaim Deed conveyed by Penacook Electric Light Company to the City of Concord, dated July 29, 1947 and recorded with the Merrimack County Registry of Deeds at Book 641, Page 97, to the extent the same may affect these premises.

Subject to restrictions and easements outlined in the Quitclaim Deed conveyed by Penacook Electric Light Company to Brezner Realty Company, Inc., dated August 10, 1950 and recorded with the Merrimack County Registry of Deeds at Book 683, Page 299, to the extent the same may affect these premises.

- Subject to restrictions and easements outlined in the Quitclaim Deed conveyed by Cudahy Company to Allied Leather Corporation, dated December 2, 1978 and recorded with the Merrimack County Registry of Deeds at Book 1337, Page 991, to the extent the same may affect these premises.

Subject to rights and easements outlined in the Easement Deed conveyed by Allied Leather Corporation to Penacook Hydro Associates, dated September 27, 1985 and recorded with the Merrimack County Registry of Deeds at Book 1531, Page 754, to the extent the same may affect these premises.

Subject to rights and easements outlined in the Easement Deed conveyed by Allied Leather Corporation to Briar Hydro Associates, dated August 30, 1995 and recorded with the Merrimack County Registry of Deeds at Book 1997, Page 1368, to the extent the same may affect these premises.

Subject to matters shown on Merrimack County Registry of Deeds Plan #14821.

Subject to rights and easements outlined in the Quitclaim Deed conveyed by Hannah Dustin Holdings, LLC to Cajon Realty Corp., dated July 12, 2002 and recorded with the Merrimack County Registry of Deeds at Book 2382, Page 1734.

MEANING AND INTENDING to describe and convey hereby all and the same premises conveyed by Hannah Dustin Holdings, LLC to Cajon Realty Corp. by Quitclaim Deed dated July 12, 2002 and recorded with the Merrimack County Registry of Deeds at Book 2382, Page 1734.

THESE ARE NOT HOMESTEAD PREMISES.

This Corrective Quitclaim Deed is given simply to correct the name of the Plan and the recording date of the Plan as originally recited in the Quitclaim Deed conveyed by Cajon Realty Corp. to the City of Concord, dated August 29, 2003 and recorded with the Merrimack County Registry of Deeds at Book 2560, Page 1451.

Executed this 16 day of October, 2003.

Cajon Realty Corp.

By *Dana V. Willis*
Dana V. Willis, President
Duly Authorized

[EXECUTE IN BLACK INK ONLY]

STATE OF NEW HAMPSHIRE
COUNTY OF MERRIMACK, SS.

The foregoing instrument was acknowledged before me this 16th day of October, 2003 by Dana V. Willis, duly authorized President of Cajon Realty Corp., a New Hampshire corporation, on behalf of said corporation.



Amy W. Blinn
Notary Public

My commission expires: _____

Notary Seal or Stamp:

[EXECUTE IN BLACK INK ONLY]

MERRIMACK COUNTY RECORDS

Kate L. Gray, CPO, Register

Return to:

Legal Department
City of Concord
41 Green Street
Concord, NH 03301

14³⁷
Q B

Doc# 563237

Book: 2662

Pages: 624 - 625

Filed & Recorded

06/01/2004 10:11:07 AM

KATHI L. GUAY, CPO, REGISTER

MERRIMACK COUNTY REGISTRY OF DEEDS

RECORDING \$ 14.00

SURCHARGE \$ 2.00

POSTAGE \$ 0.37

~~Book 2662 Page 624~~

Book 3011 Page 875

QUITCLAIM DEED

KNOW ALL MEN BY THESE PRESENTS, that, AAI ENTERPRISES, LLC, a New Hampshire Limited Liability Company with a principal place of business of 15 Crescent Street, Penacook, New Hampshire 03303, (GRANTOR), for consideration paid, hereby grants to the **CITY OF CONCORD** (GRANTEE) with its principal address of 41 Green Street, Concord, New Hampshire 03301 with **QUITCLAIM COVENANTS**, the following described premises:

Real property with buildings and improvements located in the Penacook section of the City of Concord, County of Merrimack, State of New Hampshire, referred to on the City of Concord Engineering Map as 15 Crescent Street, more specifically described as Lot # 4 on a plan entitled, "Subdivision Plat Land of Hannah Dustin Holdings, LLC," recorded at the Merrimack County Registry of Deeds as Plan # 14821 on August 4, 1999, and more particularly described as follows:

Beginning at a point on the westerly side of Crescent Street, in the Penacook section of the City of Concord, County of Merrimack, State of New Hampshire, at the most northeasterly corner of Lot # 4 as shown on the aforementioned Plan # 14821, at a point along land of Briar Hydro Associates thence;

South 25° 24' 19" East, 100.00 feet along Crescent Street to a point; thence

South 76° 23' 09" West, 386.88 feet to a point; thence

North 7° 21' 07" East, 73.00 feet to a point; thence

North 28° 00' 32" East, 77.59 feet to a point; thence

North 76° 02' 38" East, 50.00 feet to a point; thence

North 83° 12' 36" East, 240.49 feet to the point of beginning.

Meaning and intending to convey Lot # 4 as shown on MCRD Plan # 14821 and containing 40,001 square feet, more or less or 0.92 acres.

Subject to all easements on record, including deed of Allied Leather Corp. to Briar Hydro Associates, dated August 30, 1995, and recorded at the Merrimack County Registry of Deeds on September 1, 1995, in Book 1997, Page 1368. Also subject to deed of Allied Leather Corp. to Penacook Hydro Associates, dated September 27, 1985, and recorded at the Merrimack County Registry of Deeds on October 4, 1985, in Book 1531, Page 754.

Meaning to convey the real property conveyed to AAI Enterprises, LLC from Adam Delong contained in a Quitclaim Deed dated May 15, 2002 and recorded at the Merrimack County Registry of Deeds May 16, 2002, at Book 2365, Page 1663.

Executed this, the 1st day of June, 2004.

AAI Enterprises, LLC



Adam Delong - Member / Manager
AAI Enterprises, LLC
Duly Authorized

STATE OF NEW HAMPSHIRE
MERRIMACK COUNTY

On this day, Adam Delong - Member / Manager, AAI Enterprises, LLC, a duly authorized agent of AAI Enterprises, LLC, personally appeared before me, and executed this deed on behalf of AAI Enterprises, LLC. In witness thereof, I place my signature and seal.

Karin F. Lysipoyak
Notary Public / Justice of the Peace

Date: June 1, 2004

My Commission expires: 5.23.06

MERRIMACK COUNTY RECORDS
Kathi L. Gray, CPO, Register

08734
533

Return to:

Legal Dept.
City of Concord
41 Green Street
Concord, NH 03301

~~Doc# 563236~~

~~Book: 2662~~

~~Page: 623~~

~~Filed & Recorded~~

~~06/01/2004 10:11:07 AM~~

~~KATHI L. GUAY, CPO, REGISTER~~

~~MERRIMACK COUNTY REGISTRY OF DEEDS~~

~~SURCHARGE \$ 2.00~~

~~POSTAGE \$ 0.37~~

~~RECORDING2 \$ 15.00~~

Book 3011 Page 877

DISCHARGE OF MORTGAGE

FOR VALUE RECEIVED, HANNAH DUSTIN HOLDINGS, LLC, holder of a mortgage from AAI ENTERPRISES, LLC, dated May 21, 2004, and recorded in the Merrimack County Registry of Deeds at Book 2658, Page 1240, hereby discharges the said mortgage in full.

Executed on this 1st day of June, 2004.

HANNAH DUSTIN HOLDINGS, LLC

Karin F. Szypszak
Witness

By: Dana V. Willis 6/1/2004
Dana V. Willis - Member
Duly Authorized

STATE OF NEW HAMPSHIRE
COUNTY OF MERRIMACK

Personally appeared the above-named Dana V. Willis, Member, Hannah Dustin Holdings, LLC, and acknowledged for the foregoing before me.

~~MERRIMACK COUNTY RECORDS~~

~~Kathi L. Guay, CPO, Register~~

Karin F. Szypszak
Justice of the Peace / Notary Public

KARIN F. SZYPSZAK, Justice of the Peace
My Commission Expires May 23, 2006

Return to:

Community Development Dept.
Planning Division
41 Green Street
Concord, NH 03301

1039
2

Book: 2975
Pages: 1136
Filed & Recorded
03/29/2007 3:26PM
MERRIMACK COUNTY REGISTRY OF DEEDS
KATHI L. GUAY, CPO, REGISTER

Fees \$12.39

MERRIMACK COUNTY RECORDS

Kathi L. Guay, CPO, Register



Notice of Lot Consolidation Pursuant to RSA 674:39-a

Book 3011 Page 878

CITY OF CONCORD, a municipal corporation with a usual place of business 41 Green Street, Concord, New Hampshire 03301, hereby acknowledges ownership of the following parcels of land: 23 East Street, known as City of Concord Assessor's Map P1, Block 7, Lot 16 (Tract # 7002-B) acquired by deed recorded at the Merrimack County Registry of Deeds in Book 2585, Page 422; 31 East Street, known as City of Concord Assessor's Map P1, Block 7, Lot 7 (Tract # 7002-C-1), acquired by deed recorded at the Merrimack County Registry of Deeds in Book 2585, Page 430; 35 East Street, known as City of Concord's Assessor's Map P1, Block 7, Lot 6 (Tract #'s 7002-A; 7002-D-1 and 7002-E), acquired by deed recorded at the Merrimack County Registry of Deeds in Book 2585, Page 426; and 13-15 Crescent Street, known as City of Concord Assessor's Map P1, Block 7, Lot 17 (Tract # 7002-H) acquired by deed recorded at the Merrimack County Registry of Deeds in Book 2662, Page 624.

Henceforth, all the above-mentioned parcels of land shall for all purposes be considered a single lot and shall not be sold separately or any other divided interest be conveyed except with the prior approval of the City Planning Board in accordance with its duly adopted subdivision regulations.

Signed this 21st day of March, 2007.

CITY OF CONCORD

Thomas J. Aspell, Jr.
Thomas J. Aspell, Jr., City Manager

The above consolidation of lots have been approved by Douglas G. Woodward, Clerk of the City Planning Board, pursuant to RSA 674:39-a as the City Planning Board's designee.

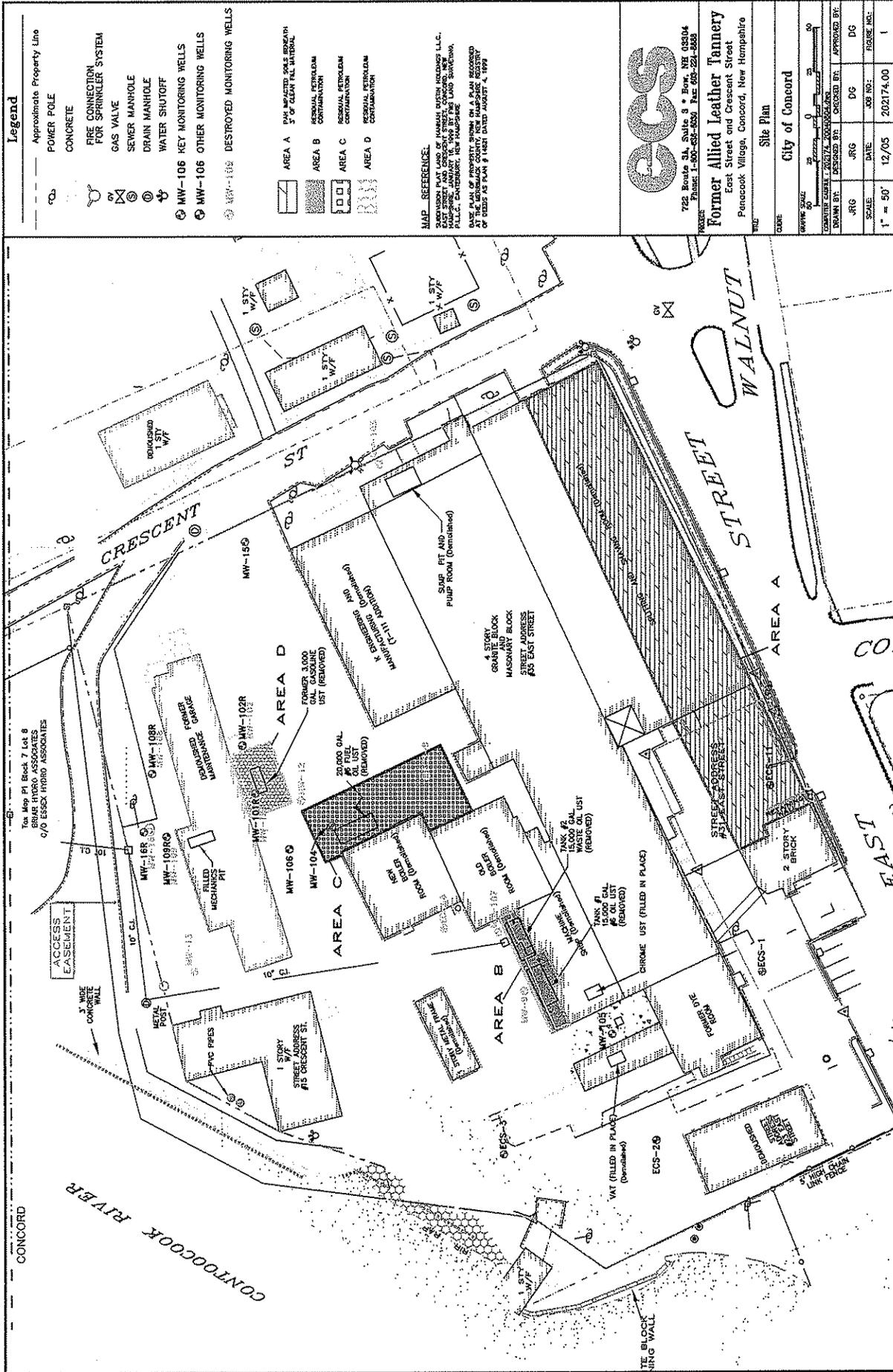
3/21/07
Date

Douglas G. Woodward
Douglas G. Woodward, Clerk
City Planning Board
Duly Authorized

Original: Merrimack County Registry of Deeds/Owner
Planning, Assessing, Code Enforcement,
Engineering and Solicitor's Office

EXHIBIT B

Plan of Property



MERRIMACK COUNTY RECORDS
Kathi L. Gray, CPO, Register