

BK 5255 P6 0193

045225

RETAINING WALL EASEMENT

I, William C. Verge, Trustee of Dow Realty Trust of PO Box 203, Plaistow 03865, New Hampshire, County of Rockingham, State of New Hampshire for good and valuable consideration grant to the State of New Hampshire, whose address is PO Box 483, 7 Hazen Drive, Concord, New Hampshire 03302-0483, the following described property rights on land of the Grantor located in the Town of Newington, and shown as Parcel N6 on a Plan of Newington-Dover, NHS-0271(037), 11238 (11238M Construction Phase), on file in the records of the New Hampshire Department of Transportation and to be recorded in the Rockingham County Registry of Deeds:

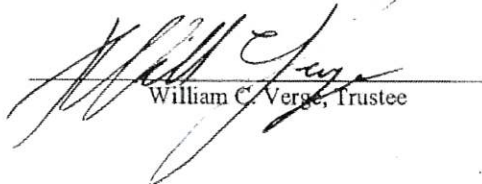
Granting the permanent right and easement to construct and maintain a retaining wall on land of the Grantor abutting or near Woodbury Avenue, as shown on the above-referenced Plan in accordance with the standard practice of highway construction.

And also granting the temporary right and easement for the purpose of constructing slopes and embankments on land of the Grantor at such an angle as will hold Woodbury Avenue and the material in the slopes in repose against ordinary erosion as shown on the above-referenced Plan in accordance with the standard practice of highway construction. Also to match the driveway to the new construction and to landscape. Said easement shall expire on December 31, 2025, or one (1) year after completion of the construction for the project, whichever date shall come first.

Being an interest in that property recorded April 4, 1995, at the Rockingham County Registry of Deeds in Book 3095, Page 505.

Executed this 14th day of October, 2011.

DOW REALTY TRUST

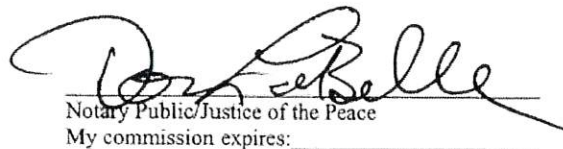

William C. Verge, Trustee

STATE OF NEW HAMPSHIRE

COUNTY OF Rockingham

This instrument was acknowledged before me on the 14th day of October, 2011, by William C. Verge, Trustee of Dow Realty Trust.

DONALD R. LABELLE
Justice of the Peace - NH
My Commission Expires March 30, 2018


Notary Public/Justice of the Peace
My commission expires: _____

Initial
MT

Initial
DL

2011 OCT 25 AM 10:35
ROCKINGHAM COUNTY
REGISTRY OF DEEDS

WARRANTY DEED

PK 3095 P0497

KNOW ALL MEN BY THESE PRESENTS, for and in consideration of One (\$1.00) Dollar and other valuable consideration, MITCHELL A. HYDER, EDWARD A. HYDER, HENRY K. HYDER, JR., A. ROBERT MAGUIRE, JR. and HENRY K. HYDER, III, TRUSTEES OF THE MITCHELL A. HYDER AND EDWARD A. HYDER IRREVOCABLE TRUST OF 1993, having an address of One Raynes Avenue, Portsmouth, County of Rockingham, and State of New Hampshire, do hereby grant and convey onto the TOWN OF NEWINGTON, a municipal corporation, having an address of Nimble Hill Road, Newington, County of Rockingham and State of New Hampshire, with WARRANTY COVENANTS a certain parcel of land located on Woodbury Avenue in said Town of Newington, more particularly bounded and described as follows:

SEE ATTACHED EXHIBIT "A"

The within Grantor does hereby reserve unto itself, its successors and assigns two (2) certain Easements for Utilities and Access bounded and described as follows:

SEE ATTACHED EXHIBIT "B"

The within conveyance is further made subject to certain restrictive covenants as follows:

SEE ATTACHED EXHIBIT "C"

The within conveyance and subdivision of the Grantor's parcel of land is made at the request of the Grantee, TOWN OF NEWINGTON, and results in certain Zoning Non-Conformities being created upon the Grantor's remaining land, shown as Lot 1 on Subdivision Plan entitled "Subdivision Plan for Town of Newington, the Issac Dow House, Woodbury Avenue, County of Rockingham, Newington, New Hampshire", dated Jan. 13, 1995, by Richard P. Millette and Associates, approved by the Newington Planning Board on February 2, 1995, to be recorded herewith, specifically with regard to the required lot frontage and building set-backs. The Grantee, TOWN OF NEWINGTON, by its acceptance of the within deed, acknowledges the creation of said Non-Conformities upon the remaining land of the Grantor and in the event the Grantor seeks to expand the structures upon its remaining land, or to alter its present Site Plan, the TOWN OF NEWINGTON shall not deny said application based upon the aforesaid two (2)

ROCKINGHAM COUNTY
REGISTRY OF DEEDS

LAW OFFICES OF
WHOLEY & PELECH
59 CONGRESS STREET
P.O. BOX 395
PORTSMOUTH, N.H.
03802-0395

APR 4 11 29 AM '95

011470

Initial
Mt

Initial
A

3095 P0498

Non-Conformities.

Being a portion of the premises conveyed to the within Grantor by deed recorded in the Rockingham County Registry of Deeds, at Book 3005, Page 1878.

WITNESS our hands this 10th day of February, 1995.

Kathy Santarella Witness
Mitchell A. Hyder MITCHELL A. HYDER, Trustee

Kathy Santarella Witness
Edward A. Hyder EDWARD A. HYDER, Trustee

Henry K. Hyder, Jr. Witness
Henry K. Hyder, Jr. HENRY K. HYDER, JR., Trustee

A. Robert Maguire, Jr. Witness
A. Robert Maguire, Jr. A. ROBERT MAGUIRE, JR., Trustee

Henry K. Hyder, III Witness
Henry K. Hyder, III HENRY K. HYDER, III, Trustee

STATE OF NEW HAMPSHIRE
COUNTY OF ROCKINGHAM

February 10th, 1995

Personally appeared the above-named, MITCHELL A. HYDER, EDWARD A. HYDER, HENRY K. HYDER, JR., A. ROBERT MAGUIRE, JR. and HENRY K. HYDER, III, TRUSTEES OF THE MITCHELL A. HYDER AND EDWARD A. HYDER IRREVOCABLE TRUST OF 1993, known to me, or satisfactorily proven, to be the person whose names are subscribed to the foregoing instrument and acknowledged that they executed the same for the purposes therein contained.

Before me,

Kathy Santarella
NOTARY PUBLIC/JUSTICE OF THE PEACE

My commission expires:

KATHY PANTANELLA, Notary Public
My Commission Expires June 23, 1998

Initial Initial
W MT

LAW OFFICES OF
WHOLEY & PELECH
55 CONGRESS STREET
P.O. BOX 305
PORTSMOUTH, N.H.
03802-0305

\\homeqtr\town.w-d

EX 3095 P0499

EXHIBIT "A"


PROPERTY DESCRIPTION

NEWINGTON, NEW HAMPSHIRE

Beginning at a point on the westerly sideline of Woodbury Avenue, at a New Hampshire Highway bound, thence running along the westerly sideline of said Woodbury Avenue, S 40° 29' 21" E a distance of 298.50 feet to a point; thence turning and running by land of the within Grantor, S 49° 34' 08" W a distance of 74.47 feet to a point; thence turning and running N 40° 29' 21" W by land of the within Grantor a distance of 344.82 feet to a point; thence turning and running N 49° 34' 08" E a distance of 57.79 feet to a point on the westerly sideline of said Woodbury Avenue; thence turning and running along a curve having a central angle of 00° 47' 55" and having a radius of 3324.17 feet along the westerly sideline of said Woodbury Avenue a distance of 46.33 feet to a New Hampshire Highway bound; thence turning and running N 49° 30' 39" E a distance of 17.00 feet to the point of beginning.

Meaning and intending to convey Lot 2 as shown on Plan entitled "Subdivision Plan for Town of Newington, The Isaac Dow House, Woodbury Avenue, Newington, N. H.", prepared by Richard P. Millette & Associates, Civil Engineers, dated January 13, 1995. Said Plan to be recorded herewith.

LAW OFFICES OF
WHOLEY & RELECH
55 CONGRESS STREET
P.O. BOX 395
PORTSMOUTH, N.H.
03802-0395

Initial Initial


3095 P0500

EXHIBIT "B"

UTILITY and ACCESS EASEMENT

Beginning at a point on the westerly sideline of Woodbury Avenue, said point being the southeasterly corner of the within described Easement; thence turning and running S 49° 34' 08" W a distance of 74.47 feet to a point; thence turning and running by other land of the Grantor N 40° 29' 21" W a distance of 160.00 feet to a point; thence turning and running N 49° 34' 08" E by land of the within Grantee a distance of 74.47 feet to a point on the westerly sideline of Woodbury Avenue; thence turning and running S 40° 29' 21" E a distance of 160.00 feet to the point of beginning.

Meaning and intending to describe a 160 foot by 74.47 foot utility easement, as shown on Plan entitled "Subdivision Plan for the Town of Newington, The Isaac Dow House, Woodbury Avenue, Newington, N.H.", prepared by Richard P. Millette & Associates, Civil Engineers, dated January 13, 1995, to be recorded herewith.

The Grantor further reserves unto itself, its successors and assigns, the right to enter in and upon the within described utility easement. The intent being to limit the maintenance and repair to an area related strictly to the utilities of water, gas, electric, telephone and drainage. Any and all areas disturbed during the use of this easement shall be returned to the condition of the property prior to easement utilization at the expense of the user.

Also, a certain Access Easement 20 feet in width running along the easterly side of the existing retaining wall as shown on said Subdivision Plan to be recorded herewith, said Access Easement to be for the purpose of maintenance and repair of said retaining wall upon land of the within Grantor.

LAW OFFICES OF
WHOLEY & PELECH
55 CONGRESS STREET
P.O. BOX 195
PORTSMOUTH, N.H.
03802-0195

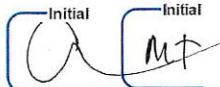
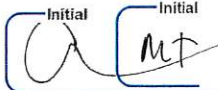
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EXHIBIT "C"

PV 3095 P0501

The within property shall not be used for the following purposes:

1. The sale whether wholesale or retail of building supplies; home improvement supplies; plumbing supplies; electrical supplies; garden supplies; or landscaping supplies.
2. Any use which is not in compliance with the Newington Zoning Ordinance without the express written consent of the Grantor or its successors in title.
3. Storage of any hazardous materials.
4. A restaurant or food service of any kind, cafeteria, hotel, motel, pornographic shop, tattoo parlor, skating rink, massage parlor, car wash, movie theater, gaming or gambling facility, sport facility or health club, banquet hall, dance hall, bowling alley, school or other place of public assembly.

Initial Initial


3095 P0502

DEED OF PRESERVATION RESTRICTION

NOW COMES the TOWN OF NEWINGTON, a municipal corporation with an address of 205 Nimble Hill Road, Newington, Rockingham County, New Hampshire, and for consideration paid, grants to the TOWN OF NEWINGTON HISTORICAL SOCIETY, a nonprofit New Hampshire corporation, with an address of 133 Fox Point Road, Newington, Rockingham County, New Hampshire, a preservation restriction in accordance with N.H. RSA 477:45 et seq upon the following described property:

(See Exhibit A)

Said preservation restrictions are as follows:

All exterior changes (excluding paint colors) shall be subject to review and approval by the Newington Historic District Commission, which shall utilize the criteria specified in the Newington Historic District Regulations unless the following are more stringent, in which case, the following restrictions shall be applied:

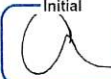

1. No additional buildings nor additions to the existing building shall be built on the site without the approval of the Newington Historic District Commission.
2. The siding on all buildings shall be wood-clapboard siding. No plastic nor metal siding shall be permitted.
3. Windows shall appear to be double-hung wooden sash. Other materials may be used. The number of panes of glass per sash shall be subject to review and approval by the Newington Historic District Commission.
4. The main interior staircase shall be preserved.
5. The nineteenth century dentil molding at the eaves of the building shall be preserved.
6. Landscaping shall be arranged and maintained with a goal of achieving consistency and harmony with the property's nineteenth century appearance. Major changes shall be subject to review and approval by the Newington Historic District Commission.

Apr 4 11 29 AM '95

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ROCKINGHAM COUNTY
REGISTRY OF DEEDS

DONAHUE, McCAFFREY & TUCKER ATTORNEYS AT LAW
225 WATER STREET, PO BOX 530, LITTLETON, NEW HAMPSHIRE 03043-0530

Initial Initial
 

#3095 P0503

By their acceptance of this deed, the Grantee acknowledges that it has had a full and complete opportunity to inspect the premises.

Meaning and intending to convey the same premises conveyed to the Grantor by deed of Mitchell A. Hyder, et al, Trustees of the Mitchell A. Hyder and Edward A. Hyder Irrevocable Trust of 1993 on or about even date, to be recorded herewith.

WITNESS our hands this 13 day of FEBRUARY, 1995.

TOWN OF NEWINGTON
By Its Selectmen, Duly Authorized

BY: Paul Kent
Paul Kent, Selectmen

BY: Margaret F. Lamson
Margaret F. Lamson, Selectmen

BY: Frederick H. Smith
Frederick H. Smith, Selectmen

STATE OF NEW HAMPSHIRE
COUNTY OF ROCKINGHAM, ss.

On this 13th day of February, 1995, before me personally appeared PAUL KENT, MARGARET F. LAMSON and FREDERICK H. SMITH, the duly authorized Selectmen of the Town of Newington, known to me, or satisfactorily proven, to be the persons whose names are subscribed to the foregoing instrument, and acknowledged that they executed the same as their free act and deed for the purposes therein contained.

[Signature]
Notary Public/Justice of the Peace

Initial Initial
[Signature] [Signature]

EXHIBIT "A"

3095 P0504

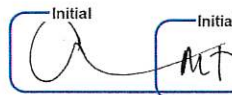
PROPERTY DESCRIPTION

NEWINGTON, NEW HAMPSHIRE

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LAW OFFICES OF
WHOLEY & PELECH
55 CONGRESS STREET
P.O. BOX 100
PORTSMOUTH, N.H.
03802-0100

Initial Initial


WARRANTY DEED

13095 P0505

KNOW ALL MEN BY THESE PRESENTS, for and in consideration of One (\$1.00) Dollar and other valuable consideration, the Town of Newington, a municipal corporation acting by its Selectmen duly authorized, with an address of Newington Town Hall, 205 Nimble Hill Road, Newington, County of Rockingham, State of New Hampshire 03801, does hereby grant and convey unto William C. Verge, Trustee, Dow Realty Trust, with a mailing address of P.O. Box 203, Plaistow, New Hampshire 03865, with warranty covenants, a certain parcel of land located on Woodbury Avenue in said Town of Newington, more particularly bounded and described as follows:

SEE ATTACHED EXHIBIT "A"

The premises described on Exhibit A are conveyed subject to the easements and restrictions attached as Exhibits "B" and "C" to the deed of Mitchell A. Hyder, et al, Trustees of the Mitchell A. Hyder and Edward A. Hyder Irrevocable Trust of 1993 to the Town of Newington on or about even date, to be recorded herewith.

The premises are further subject to the Preservation Restriction of even date granted by the Town of Newington to the Town of Newington Historical Society recorded immediately prior hereto.

This conveyance is further subject to the covenant that any further conveyance of the premises on or before December 31, 1996 is subject to the approval of the Town of Newington Board of Selectmen, which approval shall not be unreasonably withheld provided that one-half of the net proceeds in excess of the documented cost of restoration of the premises and closing expenses shall be paid to the Grantor's predecessor in title, Mitchell A. Hyder, et al, Trustees of the Mitchell A. Hyder and Edward A. Hyder Irrevocable Trust of 1993. This restriction shall expire without further action of the parties on January 1, 1997.

By acceptance of this deed, the Grantee does for itself, and its heirs, successors and assigns, agree that the building known as the "Isaac Dow House" located on said premises shall be kept fully insured at replacement cost, at all times, with a copy of applicable insurance policies provided to the Grantor on an annual basis.

The above premises are conveyed in their "as is" condition, without recourse against the Town of Newington or its predecessor in title. There is no guarantee or warranty, express or implied, with respect to condition of the property or its fitness for any purpose.

APR 4 11 30 AM '95

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ROCKINGHAM COUNTY
REGISTRY OF DEEDS

DONAHUE, McCAFFREY & TUCKER ATTORNEYS AT LAW
225 WATER STREET, SUITE 200, NEWTON, MASSACHUSETTS 02459

Initial Initial
[Signature] [Signature]

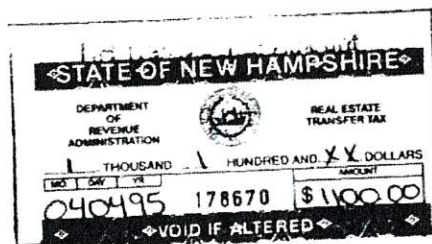
EXHIBIT "A"

3095 P0507

PROPERTY DESCRIPTIONNEWINGTON, NEW HAMPSHIRE

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LAW OFFICES OF
WHOLEY & PELECH
55 CONGRESS STREET
P.O. BOX 395
PORTSMOUTH, N.H.
03802-0395

Initial Initial
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