

Manchester NH

BOSTON AND MAINE CORPORATION, DEBTOR  
ROBERT W. MESERVE AND BENJAMIN H. LACY, TRUSTEES

CONTRACT BUREAU TRANSMITTAL MEMO

DATE FEB 6 1976

FROM: P. E. Churchill  
Director-Contract & Pass Bureau

TO: Messrs. S. B. Culliford  
P. W. Carr  
J. J. Nee  
H. E. Berkshire  
W. A. Kirk  
✓ Boston Div. Supt.-G. F. Gallagher  
N.E. Div. Supt.-W. V. Furey  
Agent-

Attached for your information is copy of numbered document checked below.

CONTRACT #

DEED # **12389-A**

CORRESPONDENCE RE CONTRACT #

OPENING NOTICE SENT

CLOSING NOTICE SENT

State Of New Hampshire

HILLSBOROUGH, SS. SUPERIOR COURT January Term, 1976
January 27, 1976

This Declaration of Taking
having been entered in said court, on the twenty-first day of January, 1976
IT IS ORDERED that the plaintiff
notify the defendant

to appear at said court at Manchester, in said County of Hillsborough, on the first Tuesday of
March, 1976

and answer the said declaration of taking by
CAUSING a true and attested copy of said declaration of taking and
this order to be served upon said defendant corporation.

at least fourteen days before said return day.

It is Further Ordered that said defendants, each of them, file with the clerk of said court, within
thirty (30) days after the return day,
copy to Elmer T. Bourque, City Solicitor
27 Market St., City Hall Annex, Manchester, N.H. esquire,
declaration of taking
plaintiff's solicitor ; otherwise, said

Handwritten note: Rec'd B+M 1-28-76 11:45 AM

Attest: CARL O. RANDALL, Clerk.

The foregoing is a true copy of a
thereon.

Attest: Carl O. Randall, Clerk.

THE STATE OF NEW HAMPSHIRE . . . . .  
SUPERIOR COURT

Hillsborough, SS. . . . . January Term, 1976

City of Manchester . . . . .

vs. . . . .

Boston and Maine Corporation . . . . .

DECLARATION OF TAKING  
A Proceeding in Rem . . . . .

Now comes the City of Manchester (Condemnor), City Hall, Manchester, New Hampshire, a municipal corporation organized and existing under and by virtue of the laws of the State of New Hampshire, and pursuant to RSA 498-A, files the within Declaration of Taking, a proceeding in rem, and states as follows:

1. The owner of the property which is the subject of this Declaration of Taking is the Boston and Main Corporation, a Delaware Corporation. The registered agent for said corporation is Earle B. Rourke, 1245 Elm Street, Manchester, New Hampshire. The mail address of said corporation is Robert W. Meserve, Trustee of the Boston and Main Corporation, c/o Mr. William Kirk, Iron Horse Park, Billerica, Massachusetts. . . . .

2. The statutory authorization for the City of Manchester to institute this eminent domain action is contained in RSA 252:4, RSA 252:5, RSA 252:5-a, RSA 47:1, RSA 47:11, and RSA 31:92.

3. These proceedings were authorized by resolution of the Board of Mayor and Aldermen of the City of Manchester at a meeting of said Board held on June 27, 1974; a record of said resolution is available for examination in the office of the Manchester City Clerk, 904 Elm Street in said Manchester. . . . .

4. The purpose of this condemnation is for the construction, operation, maintenance and reconstruction of sewers, interceptors, storm drains and other water pollution abatement and wastewater facilities under the City's Pollution Abatement Program.

5. As a jurisdictional prerequisite to the institution of condemnation proceedings the NOTICE OF OFFER required by RSA 498-A:4 was on November 14, 1975 and January 7, 1976 mailed to the owner named in Paragraph 1. The ten (10) day acceptance period has expired.

6. The property of the Boston and Maine Corporation required by the City of Manchester is located in said City of Manchester in the County of Hillsborough and is bounded and described as follows:

TRACT 1: Situated in Manchester, N.H., beginning at the northwest corner of the premises at the northeast corner of land of American Velcro, Inc. and the southeast corner of land of Foster Grant Co., Inc., said corner being on the westernmost line of Boston & Maine Corporation land; thence southeasterly ninety (90) feet, more or less, to the east line of said Boston & Maine Corporation land and land of American Velcro, Inc.; thence southerly by said American Velcro, Inc. land fifty-two (52) feet, more or less; thence westerly eighty-three (83) feet, more or less, to an angle point and northwesterly five (5) feet, more or less, to other land of American Velcro, Inc.; thence northerly by said land fifty (50) feet, more or less, to the point of beginning. Said parcel is also shown as Parcel No. 17 on a plan entitled "City of Manchester, N.H., Department of Highways - Water Pollution Abatement Program - Construction Contract 5 - East Interceptor North - Easement and Acquisition Plans", drawn by Thomas F. Moran, Inc., Civil Engineers and Surveyors, Bedford, N.H., dated May 29, 1974, File No. 1327-5, and which plan is recorded in the Hillsborough County Registry of Deeds, and which plan is attached hereto and made a part hereof by reference.

Said parcel being part of the premises conveyed to the Boston & Maine Railroad under deed of the Concord & Montreal Railroad, dated December 1, 1919, and recorded in Hillsborough County Registry of Deeds in Volume 775, Page 272.

TRACT 2: Situated in Manchester, N.H., beginning at the northern corner of the premises at land of Granite State Packing Company; thence running southeasterly one hundred twenty (120) feet, more or less, to a point; thence running northeasterly one hundred twenty (120) feet to a point; thence easterly by said point twelve (12) feet, more or less, to land of Granite State Packing Company; thence southwesterly along land of Granite State Packing Company one hundred seventy-five (175) feet to a point; thence northwesterly eighty (80) feet, more or less, to land of Granite State Packing Company; thence northerly along said land ninety (90) feet, more or less, to the point of beginning. Said parcel is also shown as Parcel No. 23 on a plan entitled "City of Manchester,

LAW OFFICES OF  
MER T. BOURQUE  
1000 N. MARKET ST.  
MANCHESTER, N. H.

08101

7 Market St.

N.H., Department of Highways - Water Pollution Abatement Program - Construction Contract 5 - East Interceptor North - Easement and Acquisition Plans" drawn by Thomas F. Moran, Inc., Civil Engineers and Surveyors, Bedford, N.H., dated May 29, 1974, File No. 1327-7, and which plan is recorded in the Hillsborough County Registry of Deeds, and which plan is attached hereto and made a part hereof by reference.

Said parcel being part of the premises conveyed to the Boston & Maine Railroad under deed of the Concord & Montreal Railroad, dated December 1, 1919, and recorded in Hillsborough County Registry of Deeds in Volume 775, Page 272.

TRACT 3: Situated in Manchester, N.H., beginning at the northern corner of the premises at land of Granite State Packing Company; thence running southeasterly one hundred sixty (160) feet, more or less, to a point; thence running southwesterly one hundred twenty (120) feet to a point; thence running northwesterly one hundred twenty (120) feet, more or less, to land of Granite State Packing Company; thence running northeasterly eighty (80) feet and twelve (12) feet along said land to point of beginning. Said parcel is also shown as Parcel No. 23A on a plan entitled "City of Manchester, N.H., Department of Highways - Water Pollution Abatement Program - Construction Contract 5 - East Interceptor North - Easement and Acquisition Plans" drawn by Thomas F. Moran, Inc., Civil Engineers and Surveyors, Bedford, N.H., dated May 29, 1974, File No. 1327-8, and which plan is recorded in the Hillsborough County Registry of Deeds, and which plan is attached hereto and made a part hereof by reference.

Said parcel being part of the premises conveyed to the Boston & Maine Railroad under deed of the Concord & Montreal Railroad, dated December 1, 1919, and recorded in Hillsborough County Registry of Deeds in Volume 775, Page 272.

TRACT 4: Situated in Manchester, N. H., an easement fifty (50) feet wide, twenty-five (25) feet on each side of the centerline of a proposed sewer to be constructed through land of the grantor, which centerline of location is described as beginning at station 137 + 90, more or less, of the proposed sewer, at land of Merrimack Packing Company and ending at station 138 + 80, more or less, at land of Merrimack Packing Company, and shown as Parcel No. 28 on a plan entitled "City of Manchester, N.H., Department of Highways - Water Pollution Abatement Program - Construction Contract 5 - East Interceptor North - Easement and Acquisition Plans" drawn by Thomas F. Moran, Inc., Civil Engineers and Surveyors, Bedford, N.H., dated May 29, 1974, File No. 1327-8, and which plan is recorded in the Hillsborough County Registry of Deeds, and which plan is attached hereto and made a part hereof by reference.

Said parcel is part of the premises conveyed to Boston & Maine Railroad under deed of Amoskeag Industries, Inc., dated June 22, 1942, and recorded in Hillsborough County Registry of Deeds in Volume 1036, Page 258.

TRACT 5: Situated in Manchester, N.H., an easement thirty (30) feet wide, fifteen (15) feet on each side of the centerline of a proposed sewer to be constructed through land of the grantor, which centerline of location is described as beginning at station 3 + 32, more or less, of the proposed sewer, at land of Sol Rubenstein Co., Inc., and ending at station 5 + 80, more or less, at land of Manchester Gas Co., and shown as Parcel No. 30 on a plan entitled "City of Manchester, N.H., Department of Highways - Water Pollution Abatement Program - Construction Contract 5 - East Interceptor North - Easement and Acquisition Plans" drawn by Thomas F. Moran, Inc., Civil Engineers and Surveyors, Bedford, N.H., dated May 29, 1974, File No. 1327-9, and which plan is recorded in the Hillsborough County Registry of Deeds, and which plan is attached hereto and made a part hereof by reference.

Said parcel is part of the premises conveyed to Boston & Maine Railroad under deed of Amoskoag Industries, Inc., dated June 22, 1942, and recorded in Hillsborough County Registry of Deeds in Volume 1034, Page 258.

TRACT 6: Situated in Manchester, N.H., beginning at the northwest corner of the premises at land of Merrinack Packing Co., Inc., and the lower canal; thence by said lower canal easterly fifteen (15) feet to a point; thence southerly fifty-seven (57) feet to a point; thence southwesterly eighteen (18) feet to a point; thence northerly sixty-four (64) feet to the point of beginning. Said parcel is also shown as Parcel No. 36 on a plan entitled "City of Manchester, N.H., Department of Highways - Water Pollution Abatement Program - Construction Contract 5 - East Interceptor North - Easement and Acquisition Plans" drawn by Thomas F. Moran, Inc., Civil Engineers and Surveyors, Bedford, N.H., dated May 29, 1974, File No. 1327-9, and which plan is recorded in the Hillsborough County Registry of Deeds, and which plan is attached hereto and made a part hereof by reference.

Said parcel being part of the premises conveyed to Boston & Maine Railroad under deed of Concord & Montreal Railroad, dated December 1, 1919, and recorded in Hillsborough County Registry of Deeds in Volume 775, Page 272.

TRACT 7: Situated in Manchester, N.H., being known as lot Nos. 390 through 408 inclusive, as shown on a Plan of Riverside Manor, dated August, 1914, and recorded in the Hillsborough County Registry of Deeds as plan No. 507; said property is also shown as being a portion of Parcel No. 1 as shown on a plan entitled "City of Manchester, N.H., Department of Highways - Water Pollution Abatement Program - Construction Contract 5 - East Interceptor North - Easement and Acquisition Plans" drawn by Thomas F. Moran, Inc., Civil Engineers and Surveyors, Bedford, N.H., dated May 29, 1974, which plan is recorded in the Hillsborough County Registry of Deeds, File No. 1327-01, and which plan is attached hereto and made a part hereof by reference.

Said parcel being part of the premises conveyed to the Boston & Maine Railroad under deed of

Nicholas C. Katsikas and Stella Katsikas, dated January 5, 1960 and recorded in Hillsborough County Registry of Deeds in Volume 1594, Page 60.

7. The interests hereby required by the City of Manchester in the above described premises are as follows:

TRACT 1 - A temporary easement is required.

TRACT 2 - A perpetual easement is required.

TRACT 3 - A temporary construction easement is required.

TRACT 4 - A perpetual easement is required.

TRACT 5 - A perpetual easement is required.

TRACT 6 - A perpetual easement is required.

TRACT 7 - Fee title is required.

These interests are required by the City for the purposes described in Paragraph 4 above and all other rights incidental thereto, including the right to travel on said land and restricting the right of the owner to erect any structure on land in which a mere easement interest is being taken.

NOW THEREFORE, the City of Manchester, pursuant to RSA 498-A:5, claims title to the aforesaid property as of the date this Declaration of Taking is filed and further claims a right of possession upon satisfaction of the procedures prescribed in RSA 498-A:11.

The City of Manchester

By: Bernard M. Reen  
Bernard M. Reen  
Public Works Director  
227 Maple Street  
Manchester, New Hampshire

Date: 1-21-76

Elmer T. Bourque  
Elmer T. Bourque  
City Solicitor  
27 Market Street  
Manchester, New Hampshire

COPY OF DEED NO. 12389-A

