



Trevor P. McCourt
Deputy City Attorney

CITY OF PORTSMOUTH

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June 9, 2026

MaryAnn Dempsey
Director
New Hampshire Division of Charitable Trusts

Heather Shank
Chair
Council on Resources and Development

VIA EMAIL ONLY

Re: Request for Determination Regarding Proposed Acquisition of Limited Interests Affecting Properties Subject to Municipally -Held Conservation Easement Acquired with LCIP-Funds – Peverly Hill Road Complete Streets Project

Dear Director Dempsey and Chair Shank:

The City of Portsmouth respectfully requests a written determination from the New Hampshire Division of Charitable Trusts and the Council on Resources and Development (“CORD”) that the City may proceed, consistent with the City Council vote described below, to acquire by eminent domain the limited temporary and permanent interests needed for the Project over two privately owned parcels encumbered by City-held conservation easements acquired with LCIP funds, without the need for an act of the Legislature.

I. Introduction

The City, as a part of the Peverly Hill Road Complete Streets Project (the “Project”) proposes to acquire dozens of temporary and permanent easements impacting properties on both sides of Peverly Hill Road from Middle Road east through the signal at Mirona Road to West Road, where it will connect to the existing sidewalk. The Project will result in the construction of a multi-use path on the south side of Peverly Hill Road for pedestrians and bicyclists from Middle Road east to the signal at Mirona Road; bicycle lanes on both sides of Peverly Hill Road from Mirona Road east to West Road, where they will tie into existing bicycle lanes; and crosswalk connections at Middle Road, McClintock Street, Greenleaf Avenue, and Mirona Road.

This Project is partially funded with Congestion Mitigation Air Quality (CMAQ) funding administered by the State of New Hampshire Department of Transportation (NH DOT); NHDOT Project No 20258. The City has worked closely with NHDOT for over fourteen years to bring to

fruition this pedestrian and bicycle friendly corridor improvement to provide greater connectivity to a multitude of recreational opportunities in the area including the City's new skate park and pump track and easier access to the Seacoast Greenway access points.

In 2021, the City Council voted to find public necessity for the acquisition, by negotiation or, if necessary, by eminent domain, of the legal interests required to complete the Project. Most of the required interests are de minimis and consist of temporary construction easements or permanent easements for grading, slope, drainage, and sight distance.

A portion of the multi-use path must be located on two properties encumbered by conservation easements: one owned by Thomas, MaryBeth, James, and Meeghan Reis, located at 305 Peverly Hill Road and identified at Assessor's Map 255-5 (the "Reis Property"); and the second owned by the Walter D. Hett Trust, located to the south of the Reis Property on Peverly Hill Road and identified as Assessor's Map 225-3 (the "Hett Property") (collectively, the Reis Property and the Hett Property are the "Hett Farm Properties"), each of which is encumbered by a conservation easement held by the City and originally acquired using Land Conservation Investment Program (LCIP) funds. The City acquired the conservation easement over the Hett Farm Properties on May 22nd, 1989, and the deed is recorded at the Rockingham County Registry of Deeds at Book 2794, Page 683 (the "Conservation Easement"). The Conservation Easement is included as Exhibit A.

As explained below, it is the City's understanding that the limited interests needed for the Project may be acquired through a lawful condemnation process without approval from the General Court because the underlying fee here remains in private ownership and the City holds the conservation easement interests. The City respectfully requests confirmation that the limited acquisitions contemplated here may proceed without legislative approval.

Project and Property Description

The City acquired the Conservation Easement from Walter Hett in 1989 using LCIP funds. Since acquisition, the City has monitored the Properties and reported as required. The Project now requires only limited additional rights over narrow portions of the Hett Farm Properties to accommodate the south-side multi-use path and related roadway improvements authorized by the City Council. As designed, the Project will create a connected network of sidewalks, bicycle lanes, multi-use path, and crosswalks between Route 1, Middle Road, Mirona Road, and West Road, improving access between downtown Portsmouth and existing and future recreational facilities while also providing better access to nearby natural and cultural resources, including Hett Farm, Portsmouth Plains, and the Urban Forestry Center.

During a recent discussion of the Project with NH DOT, the City was made aware of a September 25, 2013 letter from Meredith A. Hatfield, then Chair of CORD, to Peter Flynn, Town Administrator for the Town of New Boston, regarding the Riverdale Road Bridge replacement project (the "New Boston Letter"). The New Boston Letter is attached as Exhibit B. The New Boston Letter addressed a proposal by the Town of New Boston to acquire permanent easements over two parcels owned by the State as part of Lang Station State Forest. In that context, the New Boston Letter explained that because the Riverdale Road bridge replacement project was a

municipal project affecting state-owned LCIP land, rather than a NH DOT project falling within RSA 162-C:6, IV, CORD had determined that the Town would need approval from the General Court through legislation in order to impact the LCIP land.

The New Boston Letter addressed a municipal project proposing permanent easements across LCIP land owned by the State within Lang Station State Forest. In that context, CORD concluded legislative approval was necessary because the proposal implicated CORD's management authority over state-owned LCIP land under RSA 162-C:6, III. Here, the Hett Farm Properties are privately owned and subject to City-held conservation easements; the City is not removing land from State ownership or invoking the state-owned land exchange process under RSA 162-C:6, III. Instead, the City seeks to acquire limited interests burdening privately owned land already subject to City-held restrictions, a scenario not governed by the state-owned land provisions. RSA 162-C:6, IV concerns NH DOT's activities within the state highway system and is inapplicable because this is a municipal project outside that framework.

The City therefore is not seeking to remove land from State ownership or to invoke the state-owned land exchange mechanism addressed in RSA 162-C:6, III. Instead, it seeks a determination that it may acquire the limited interests needed for the Project over portions of private land already subject to City-held easement restrictions.

RSA 162-C:6, II directs CORD to manage LCIP land consistent with the recorded agreements with people holding ownership interests. The recorded conservation easements on the Hett Farm Properties expressly: (a) acknowledge the possibility of governmental takings, and (b) specify the allocation and use of any just compensation arising from such takings. These provisions confirm that partial governmental acquisitions were anticipated and are administrable within the easement framework. In addition, the statutory framework in effect at the time of acquisition (former RSA 221-A) did not prohibit condemnation of lands encumbered by LCIP-funded conservation easements, further underscoring that limited takings can occur consistent with the easement agreements and CORD's management obligations.

While there is strict, limiting language contained in RSA 162-C:10 preventing the "sale, transfer, conveyance, or release" of land in the public trust, this language is limited by the previous sentence to land within state-ownership. Even so, eminent domain does not constitute a "sale, transfer, conveyance or release" of land; condemnation is a separate, statutory process with independent authority. See RSA Chapter 221-A, attached as Exhibit C.

The determinative question is whether, absent legislation, the City may acquire limited interests over privately owned land already subject to City-held, LCIP-funded conservation easements whose recorded terms expressly anticipate and provide a process for governmental takings. Because the underlying fee is privately held, the easements are held by the City, and the proposed acquisitions conform to the easements' takings and compensation provisions while minimizing impairment of conservation purposes, a legislative act is not required.

The City has already acquired many of the twenty plus temporary and permanent easements required for the Project. The City was anticipating receipt of appraisals this month to commence the eminent domain process and make this Project ready to bid. Until this recent

discussion with NHDOT, the City had assumed that eminent domain was the path for acquiring the limited rights needed to allow for safer pedestrian and bicycle passage along this critical travel and recreational corridor.

Requested Determination. For the reasons set forth above, and in light of RSA 162-C:6, II-IV and RSA 162-C:10, the City respectfully requests a written determination confirming that it may proceed, consistent with the City Council vote, to acquire by negotiation or, if necessary, by eminent domain the limited interests needed for the Project over the Hett Farm Properties without legislative approval. If the Division and CORD would like any supplemental materials, including plans or photographs, the City would be pleased to provide them promptly. I have attached as Exhibit D a selection of project materials for your consideration.

Sincerely,


Trevor P. McCourt
Deputy City Attorney

cc: Karen S. Conard, City Manager
Peter Rice, Director of Public Works
Suzanne Woodland, Regulatory Counsel
Eric Eby, Traffic Engineer
C.R. Willeke, NHDOT Municipal Highways Engineer
Kevin Russell, NHDOT Project Manager

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May 26 1 25 PM '89

LOUGHELY & WADE, ATTORNEYS AT LAW
LEONARD COTTON HOUSE - STRAWBERRY BANKE - 144 WASHINGTON ST. NEAR
P.O. BOX 111, PORTSMOUTH, N.H. 03801-1111ROCKINGHAM COUNTY
REGISTRY OF DEEDS

CONSERVATION RESTRICTION DEED

BK2794 P0683

John Hett and Maud B. Hett, husband and wife, of 305 Peverly Hill Road, Portsmouth, County of Rockingham, State of New Hampshire, (hereinafter sometimes referred to as "Grantors" which word where the context requires, shall, unless the context clearly indicates otherwise, include the Grantors' executors, administrators, legal representatives, devisees, heirs and/or assigns), for consideration paid, grant to the City of Portsmouth, situated in the County of Rockingham, State of New Hampshire (hereinafter referred to as the "Grantee" which word shall, unless the context clearly indicates otherwise, include the Grantee's successors and/or assigns), with WARRANTY covenants, in perpetuity, a Conservation Restriction pursuant to RSA 477:45-47 and RSA 221-A. The Conservation Restriction shall restrict the use on certain land located on the westerly side of Peverly Hill Road in Portsmouth, County of Rockingham, and more particularly described in Schedule A attached hereto (hereinafter the "Property"). The Conservation Restriction which is conveyed by this deed, is exclusively for conservation purposes, which shall include:

1. The assurance that the Property will be retained forever in its undeveloped, scenic, and open space condition and to prevent any use of the Property that will significantly impair or interfere with the conservation values of the Property.
2. The preservation of the land subject to the Restriction granted hereby for the education of the general public, through the auspices of the Grantee.
3. The preservation of open spaces, particularly the productive farm and forest land, of which the land area subject to the Restriction granted hereby consists, for the scenic enjoyment of the general public, consistent with the New Hampshire RSA Chapter 79-A which states: "It is hereby declared to be in the public interest to encourage the preservation of open space in the state by providing a healthful and attractive outdoor environment for work and recreation of the state's citizens, by maintaining the character of the state's landscape, and by conserving the land, water, forest, and wildlife resources," to yield a significant public benefit in connection therewith; and with NH RSA 221-A which states: "The intent of the program is to preserve the natural beauty, landscape, rural character and natural resources, and high quality of life in New Hampshire by acquiring lands and interests in lands of statewide, regional, and local conservation and recreation importance."
4. The preservation from development a historically important land area which was known as the Walford Plantation and which was one of the first farms established in the City of Portsmouth and which is the last active farm in the City of Portsmouth.

The terms of this Conservation Restriction are as follows:

1. USE LIMITATIONS

A. The Grantors, their successors and assigns, agree that the Property shall be maintained in perpetuity as open space without there

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being conducted thereon any industrial or commercial activities, except agriculture and forestry as described below, and provided that the capacity of the property to produce forest and/or agricultural products shall not be degraded by on-site activities and that such activities will not cause significant pollution of surface or sub-surface waters or soil erosion.

i. For the purposes hereof, "agriculture" and "forestry" shall include agriculture, animal husbandry, floriculture and horticulture activities; the production of plant and animal products for domestic or commercial purposes, for example, the growing and stocking of Christmas trees or forest trees of any size capable of producing timber and other wood products; and the cutting and sale of timber and other wood products, but shall not include manufactured products or by-products. All agricultural and forestry activities conducted on the property shall be consistent with the purposes of this document.

ii. Agriculture and forestry on the Property shall be performed to the extent possible in accordance with a management plan developed by the Grantors for the sites and soils of the Property. In developing an ongoing plan Grantors shall be consistent with the current scientifically based practices recommended by the U.S. Cooperative Extension Service, U.S. Soil Conservation Service, or their successors then active. Management activities shall not materially impair the scenic quality of the Property as viewed from public roads.

B. The Property presently consists of two distinct parcels of land (shown on City of Portsmouth Tax Assessor Plan R-55 as Lots 3 and 5) and these shall not be further subdivided.

C. Subject to Section 2 below, the Grantors, their successors and assigns, shall neither perform nor permit others to perform any of the following prohibitive activities on said land:

(1) No structure or improvements such as a tennis court, swimming pool, road, dam, fence, bridge, aircraft landing strip, culvert, tower, mobile home, or shed shall be constructed, placed or introduced unto the Property except as necessary in the accomplishment of the agricultural, forestry, conservation, or recreational uses of the Property and provided that such structure or improvement is not detrimental to the purposes of this Restriction. Fences for the purpose of securing the Property are allowed. Barns and maple sugar houses to support on-site land based forestry and agricultural activities are allowed.

(2) No changes in topography, surface, or sub-surface water systems, wetlands, or natural habitats shall be allowed that would harm state or federally recognized rare or endangered species, unless necessary in the accomplishment of the agricultural, forestry habitat management, conservation or recreational uses of the Property and provided that such changes are not detrimental to the purposes of this Restriction. This shall not prohibit installation of water wells on the site for production of water for farm use.

(3) No outdoor advertising structures such as signs and

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billboards shall be displayed on the Property except as necessary in the accomplishment of the agricultural, forestry, conservation or recreational uses of the Property and provided that such outdoor advertising structures are not detrimental to the purposes of this Restriction.

(4) There shall be no mining, quarrying, excavation or removal of rocks, minerals, gravel, sand, top soil, or other similar materials on the Property, except in connection with any improvements made pursuant to the provisions of paragraphs A, B, or C above. No such rocks, minerals, gravel, sand, top soil, or other similar materials shall be removed from the Property.

(5) There shall be no dumping, injection, or burial of materials then known to be environmentally hazardous, including vehicle bodies or parts. No demolition-type wastes, scrap metal items, discarded, worn out or junked motor vehicle or parts thereof, discarded appliances, furniture, or mattresses, or similar-type rubbish shall be stored on the Property. This shall not be construed to limit, in any way, normal farm activities such as the stockpiling or spreading of animal waste, or the burying of dead farm animals which have been raised on the property.

2. RESERVED RIGHTS

A. Grantors reserve the right to post all of the Property against use by any motorized vehicle including, but not limited to, all off-highway recreational vehicles.

B. Grantors reserve the right to post all parts of the Property against hunting and trespassing.

C. Grantors reserve the right, for themselves, their heirs, successors, and assigns, to construct and operate a retail "farm stand" on the Property, said "farm stand" to be operated in compliance with all local land use regulations and shall be operated in a manner consistent with the restrictions in this document. The "farm stand" shall be located either in an area between fifty feet and three hundred feet from Peverly Hill Road or within one hundred feet of the area specifically excepted from the restrictions of this document which is the site of the existing house, barn and barnyard. (This area is described on the "Plan of Land for John and Maud Hett," Portsmouth, N.H., December, 1988) as "2.01 acre parcel excepted from conservation restriction." Adequate off-street parking shall be provided and arranged in such a way that automobiles will not back into the street. The stand or display area shall not have more than one hundred fifty square feet of gross floor or ground area. The sale of plant and animal products shall be done in accordance with the definitions of "agriculture and forestry" contained in 1-A-11. The sale of such products shall be limited to those produced on the property.

3. AFFIRMATIVE RIGHTS OF GRANTEE

A. The Grantee shall have reasonable access to the Property and all its parts for such inspection as is necessary to maintain boundaries, to determine compliance, and to enforce the terms of this Conservation Restriction Deed and exercise the rights conveyed hereby.

B. Any other uses of the Property by the Grantee or by the public shall be with the permission of the Grantors.

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LOUISIANA & WISCONSIN ATTORNEYS AT LAW

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4. NOTIFICATION OF TRANSFER, TAXES, MAINTENANCE

- A. Grantors agree to notify the Grantee in writing within thirty (30) days of the transfer of the title of the Property.
- B. Grantee shall be under no obligation to maintain the Property or to pay any taxes or assessments thereon.
- C. Grantee shall not undertake any activity which may lead to imposition of any current use tax penalty. (RSA Chapter 79-A, Current Use Taxation)

5. BENEFITS AND BURDENS

The burden of the Restriction conveyed hereby shall run with the Property and shall be enforceable against all future owners and tenants in perpetuity; the benefits of said Restriction shall not be appurtenant to any particular parcel of land, but shall be in gross and assignable or transferable only to the State of New Hampshire, the U.S. Government or any subdivision or either of them, consistently with Section 170(c)(1) of the U.S. Internal Revenue Code, as amended, which government unit has among its purposes, the conservation and preservation of land and water areas and agrees to and is capable of enforcing the conservation purposes of this Restriction. Any such assignee or transferee shall have like power of assignment or transfer. In accordance with NH RSA 221-A, under which this Conservation Restriction Deed is acquired, "The sale, transfer, conveyance, or release of any such land or interest in land from public trust is prohibited." (NH RSA 221-A:11)

6. BREACH OF EASEMENT

- A. When a breach of this Restriction comes to the attention of the Grantee, it shall notify the then owner of the Property in writing of such breach, delivered in hand or by certified mail, return receipt requested.
- B. Said owner shall have thirty days (or a longer period if agreed to by Grantor and Grantee) after receipt of such notice to undertake those actions, including restoration, which are calculated to cure the conditions constituting said breach and to notify the Grantee thereof.
- C. If the said owner fails to take such curative action, the Grantee, its successors or assigns, may undertake any actions that are reasonably necessary to cure such breach, and the cost thereof, including the Grantee's expenses, shall be paid by said owner, provided said owner is determined to be directly or indirectly responsible for the breach.
- D. Any forbearance by the Grantee in exercise of any right or remedy hereunder or otherwise afforded by applicable law shall not be a waiver of or preclude the future exercise of any such right or remedy.
- E. A violation of any condition or covenants set forth herein shall only give rise to an action at law and/or equity and shall not result in a reversion or forfeiture of the title.

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7. CONDEMNATION

A. Whenever all or part of the Property is taken in exercise of eminent domain by public, corporate, or other authority so as to abrogate in whole or in part the Restriction conveyed hereby, the Grantors and the Grantee shall thereupon act jointly to recover the full damages resulting from such taking with all incidental or direct damages and expenses incurred by them thereby to be paid out of the damages recovered.

B. The balance of the damages recovered (including, for purposes of this subparagraph, proceeds from any lawful sale of the Property unencumbered by the restrictions hereunder) shall be divided between them in proportion to the fair market value of their respective interests in that part of the Property condemned on the date of execution of this conservation easement deed.

C. In determining the allocation of damages between Grantor and Grantee the value of the development rights shall be determined on the day of condemnation as shall the value of the underlying fee. The City of Portsmouth shall be entitled to the value of any development rights taken by condemnation, and the Grantors or their heirs or assigns shall be entitled to the entire value of any part of the underlying fee taken by condemnation.

8. ARBITRATION OF DISPUTES

A. Grantor and Grantee shall have the right to have any dispute arising under this Conservation Restriction Deed determined by the Superior Court or submitted to arbitration in accordance with New Hampshire RSA 542. The parties agree that New Hampshire RSA 542:2 shall not operate to stay any proceeding that either party may institute in a court of law or equity.

If either party requests that arbitration of a particular matter be undertaken, and if that matter is not at the time of the request the subject of an action in the Superior Court or if it does not become the subject of Superior Court action during the course of the arbitration, it shall be resolved by arbitration.

B. If arbitration is requested in a manner consistent with paragraph 8-A, the Grantor and the Grantee shall each choose an arbitrator and the arbitrators so chosen shall choose a third arbitrator.

C. A decision with respect to any such dispute by two of the three arbitrators shall be binding upon the parties and shall be enforceable as part of this Conservation Restriction Deed in an action at law or equity in a court of competent jurisdiction.

The Grantee by accepting and recording this Conservation Restriction Deed for itself, its successors and assigns, agrees to be bound by and to observe and enforce the provisions hereof, and assumes the rights and responsibilities herein provided for an incumbent upon the Grantee, all in furtherance of the conservation purposes for which this Conservation Restriction Deed is delivered.

LOUISIANA & WADE - ATTORNEYS AT LAW
LEONARD COTTON HOUSE - STAMFORD BRANCH - 144 WASHINGTON STREET
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Signed this 22nd day of May, 1989.

John Hett
John Hett

Maud B. Hett
Maud B. Hett
By John Hett
Attorney in Fact

STATE OF NEW HAMPSHIRE
ROCKINGHAM, SS

On this 22nd day of May, 1989, personally appeared the above named John Hett and Maud Hett, known to me or satisfactorily proven to be the persons described in the foregoing instrument, and acknowledged that they executed the same in the capacity therein stated and for the purposes therein contained.

John J. Zapp
Justice of the Peace/Notary Public

Accepted:

THE CITY OF PORTSMOUTH

Calvin A. Cuddy
Title: City Manager

STATE OF NEW HAMPSHIRE
ROCKINGHAM, SS

On this 25th day of May, 1989, personally appeared the above named Calvin A. Cuddy, City Manager of the City of Portsmouth, known to me or satisfactorily proven to be the person described in the foregoing instrument, and acknowledged that he was duly authorized and executed the same in the capacity therein stated and for the purposes therein contained.

Calvin A. Cuddy
Justice of the Peace/Notary Public

LEONARD & WADE - ATTORNEYS AT LAW
LEONARD COTTON HOUSE - STRAWBERRY BLVD. - 104 WASHINGTON STREET
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APPENDIX A

A certain tract or parcel of land situated on the westerly side of Peverly Hill Road in Portsmouth, County of Rockingham, State of New Hampshire, more particularly bounded and described as follows:

Beginning at an iron rod on the westerly sideline of Peverly Hill Road at the northeasterly corner of the premises herein conveyed and the southeasterly corner of property now or formerly of Frank Hett and Helen Hett; thence running S 70° 36' 59" W 256.39 feet along land now or formerly of Frank Hett and Helen Hett to an iron pipe; thence continuing S 70° 18' 37" W 98.49 feet along land now or formerly of Frank Hett and Helen Hett to a steel fence post; thence turning and running S 31° 19' 35" E 30.77 feet through other land of John Hett and Maud Hett to a 3" iron rod; thence continuing S 03° 37' 11" E 267.28 feet through land of John Hett and Maud Hett to an iron rod; thence turning and running S 76° 59' 08" W 281.88 feet through land of John Hett and Maud Hett to an iron rod; thence turning and running N 15° 57' 42" W 275.23 feet through land of John Hett and Maud Hett to an iron rod in a stone wall at land now or formerly of Frank Hett and Helen Hett; thence turning and running along said stone wall S 76° 03' 00" W 81.22 feet; thence continuing along said stone wall S 87° 20' 48" W 1,597.04 feet along land of Frank Hett and Helen Hett, Dowd, and the Heirs of Stella Stokel to a drill hole in a stone wall at a point where another stone wall intersects from the south; thence continuing along land now or formerly of said Stokel along the stone wall S 86° 17' 51" W 513.12 feet to a drill hole set in the stone wall at the location where another stone wall intersects on the south side; thence continuing along land now or formerly of the Heirs of Stella Stokel S 86° 43' 34" W 269.09 feet along a stone wall to a drill hole in an intersection of two stone walls at the northwesterly corner of the premises herein conveyed; thence turning and running S 20° 51' 42" W 426.58 feet along a stone wall along other land of the Heirs of Stella Stokel to a drill hole set in a stone wall; thence turning and running S 48° 01' 51" W 215.72 feet along a stone wall along land now or formerly of the Heirs of Stella Stokel to a drill hole set in a stone wall at land now or formerly of the Swiftwater Girl Scout Council; thence turning and running S 78° 13' 10" E 191.81 feet along a stone wall along land now or formerly of Swiftwater Girl Scout Council to a drill hole set at an angle in the stone wall at the northeasterly corner of land now or formerly of Swiftwater Girl Scout Council; thence turning and running S 01° 16' 50" W 38.39 feet along a stone wall along land now or formerly of Swiftwater Girl Scout Council to a 6" X 6" stone bound at the intersection of two stone walls; thence turning and running N 84° 34' 14" E 450.56 feet along a stone wall along land now or formerly of Preston Garrett and Shirley Garrett to a point where a stone wall intersects from the north; thence continuing along the stone wall N 83° 35' 39" E 1,006.74 feet along land now or formerly of Preston Garrett and Shirley Garrett to a drill hole at the intersection of two stone walls at the northeasterly corner of land now or formerly of said Garrett; thence turning and running S 28° 08' 34" E 388.51 feet to a drill hole at the intersection of two stone walls at the southeasterly corner of land of Garrett and at land now or formerly owned by John Hett and Walter Hett; thence turning and running N 78° 41' 43" E 115.72 feet along a stone wall along land of John Hett and Walter Hett to a drill hole at an angle in the stone wall; thence turning and

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running S 11° 45' 31" E 318.10 feet to a point 5 feet N 11° 45' 31" W of a 4" X 4" stone bound at land of Temple Israel; thence turning and running N 78° 01' 59" E 143.44 feet through land of grantors running parallel to land of Temple Israel to a point; thence turning and running S 11° 45' 31" E 5 feet, more or less, to a stone wall at land of John Hett and Walter Hett and at a point 5 feet, more or less, N 71° 58' 05" E from the northeasterly corner of land of Temple Israel; thence continuing along a stone wall N 71° 58' 05" E 1,054.70 feet along land of John Hett and Walter Hett to a drill hole at the intersection of a stone wall which runs along the westerly sideline of Peverly Hill Road; thence turning and running N 26° 03' 54" E 174.35 feet along the westerly sideline of Peverly Hill Road to an iron rod on the westerly sideline of Peverly Hill Road at the southeasterly corner of land now or formerly of Eric Hett and Susan Hett; thence turning and running N 77° 00' 57" W 210.00 feet along land now or formerly of Eric Hett and Susan Hett to an iron rod; thence turning and running N 09° 27' 49" E 210.00 feet along land now or formerly of Eric Hett and Susan Hett to an iron rod; thence turning and running N 71° 40' 34" E 185.00 feet along land now or formerly of Eric Hett and Susan Hett to an iron pipe at the northerly corner of land now or formerly of Eric Hett and Susan Hett and the northwesterly corner of land now or formerly of McKee; thence turning and running along land now or formerly of said McKee N 71° 40' 34" E 138.11 feet to an iron pipe; thence continuing along land of said McKee S 64° 40' 25" E 35.33 feet to an iron pipe on the westerly sideline of Peverly Hill Road; thence turning and running N 26° 36' 44" E 62.36 feet along the westerly sideline of Peverly Hill to a drill hole at the end of a section of stone wall; thence continuing N 14° 28' 07" E 160.71 along the westerly sideline of Peverly Hill Road to a steel fence post; thence continuing along the westerly sideline of Peverly Hill Road N 02° 51' 19" W 344.55 feet to a steel fence post; thence continuing N 17° 15' 19" W 43.62 feet to an iron rod on the westerly sideline of Peverly Hill Road at land of Frank Hett and Helen Hett and point of beginning.

Said property being shown on a plan entitled "Plan of Land for John & Maud Hett, Portsmouth, N.H., Dec. 1988, Scale 1 in. = 100 ft., Survey by M.E. Jenkins, Lee, N.H.", 2 sheets. The plan will be recorded on even date with this deed in the Rockingham County Registry of Deeds.

Excepting and reserving to the grantors, their heirs, successors and assigns, a perpetual easement appurtenant to the grantors' remaining land for the right to pass, and repass for all vehicles, pedestrians and animals, as well as a perpetual easement to maintain, repair and replace existing utilities, including but not limited to electric, water, sewer, cable television, gas, and telephone across two driveways from Peverly Hill Road to the existing farmhouse building. These driveways are shown as dashed lines on the above referenced plan. The northerly driveway is shown as intersecting Peverly Hill Road near the land now or formerly of Frank Hett and Helen Hett, and the southerly driveway is shown as intersecting Peverly Hill Road approximately 90 feet north of the northeasterly corner of land now or formerly of J.J. McKee near N.E.T.&T. Pole #47.

The premises described in this Appendix A are subject to a pole line easement of New Hampshire Electric known as "Foyes Corner Tap", recorded in the Rockingham County Registry of Deeds at Book 1310, Page 31; and an easement to Public Service Company of New Hampshire, recorded

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P.O. BOX 1111, PORTSMOUTH, N.H. 03801-1111

BK2794 P0691

CONSERVATION RESTRICTION DEED - Page 9

in the Rockingham County Registry of Deeds at Book 2281, Page 993.

The land described in Appendix A is composed of two separate subdivided lots which are not merged by this conveyance. The more northerly lot is shown on City of Portsmouth Assessor Plan R-55 as Lot 5. For title reference on this lot, see deed of Piscataqua Savings Bank to John Hett and Maud B. Hett dated May 7, 1940, and recorded in the Rockingham County Registry of Deeds at Book 966, Page 257. See also deed of Albert D. Foster, Treasurer, to Piscataqua Savings Bank, dated February 28, 1940, and recorded in the Rockingham County Registry of Deeds at Book 969, Page 32. For further title reference see deed of Florence G. Cummings to Charles H. Umstead, dated December 26, 1925, recorded in said Registry of Deeds at Book 800, Page 277.

The southerly portion of the premises described in Appendix A is shown on City of Portsmouth Assessor Plan R-55 as Lot 3. For further title reference, see deed of Arnold T. Wiggin, Executor under the will of George T. Wiggin, to John Hett and Maud B. Hett, dated March 2, 1971, and recorded in the Rockingham County Registry of Deeds at Book 2057, Page 493. See also out deed of John Hett and Maud Hett to Thomas E. Webb and Donna L. Webb dated July 20, 1971 and recorded in the Rockingham County Registry of Deeds at Book 2082, Page 193. For further title reference, see deed of James Schurman to George T. Wiggin dated September 26, 1910 recorded in the Rockingham County Registry of Deeds at Book 655, Page 118; and deed of Andrew M. Gardner to George T. Wiggin dated January 24, 1911 recorded in the Rockingham County Registry of Deeds at Book 660, Page 66.

LEONARD & WADE - ATTORNEYS AT LAW
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P O BOX 1117, PORTSMOUTH, N H 03801-1117



MARGARET WOOD HASSAN
GOVERNOR

STATE OF NEW HAMPSHIRE
OFFICE OF ENERGY AND PLANNING
107 Pleasant Street, Johnson Hall
Concord, NH 03301-3834
Telephone: (603) 271-2155
Fax: (603) 271-2615



Exhibit B

September 25, 2013

Peter Flynn, Town Administrator
Town of New Boston
PO Box 250
New Boston NH 03070

RE: Riverdale Road Bridge replacement

Dear Mr. Flynn,

I am writing as the Chair of the Council on Resources and Development (CORD), which has authority over certain state lands pursuant to RSA 162-C. We understand that the Town of New Boston may need to acquire permanent easements on two parcels of land that are owned by the State in order to complete the Riverdale Road bridge replacement. The State land in question, which abuts the north and south sides of Riverdale Road, is part of the Lang Station State Forest and was acquired through the Land Conservation Investment Program (LCIP).

These lands were purchased with LCIP funds for permanent conservation and protection as public resources, to be permanently held in the public trust. The lands are administered and managed by the Council on Resources and Development (CORD) per RSA 162-C:6 through RSA 162-C:11, which has delegated management responsibility to the Department of Resources and Economic Development (DRED). The statute charges CORD with overseeing the management of the lands to "preserve the natural beauty, landscape, rural character, natural resources, and high quality of life in New Hampshire . . . and maintain public access . . . where appropriate." RSA 162-C:6, III.

CORD's statute provides mechanisms for entities to impact, and even acquire, interests in LCIP lands. One mechanism allows the Department of Transportation (DOT) to obtain interests in LCIP lands in certain minor, limited circumstances for minor expansion, modification, or alteration of existing roads within the state highway system. However, because yours is a municipal project impacting LCIP lands rather than a DOT project, CORD has determined that the project is outside the scope of the process permitted by RSA 162-C:6, IV. Therefore, that provision requires that the Town must seek approval to impact the LCIP lands from the General Court, through legislation. We have attached a copy of that section of the statute for your information. Other towns have done this in the past, and we can provide information to assist you with the process.

The other mechanism is found in RSA 162-C:6, III. This allows CORD, in certain limited situations, to approve impacts to LCIP lands, with approval from the Governor, if those actions are consistent with the requirement to preserve the lands as quoted above. That section allows CORD to "authorize the exchange of any interest in the property when the conservation values of the property would be degraded if no action were taken," after providing certain notice and deeming that action "in the best

interest of conservation and protection of the values” in the statute. This section also includes language requiring that these types of exchanges “shall involve lands contiguous to the original acquisition which have equal or greater conservation value, and shall convey only those interests necessary to compensate for the potential degradation.” OEP does not know if this approach could be possible for your project, but we wanted to bring it to your attention, and we would be happy to discuss it with you. We also suggest that you discuss these options with your town counsel, as CORD and OEP cannot provide legal advice to the town.

CORD’s member agencies, including DRED, are available to work with the Town and to provide assistance with considering your options. We would be happy to schedule a meeting at the Town’s convenience at our offices to discuss this further. Please let us know of your (or others) availability to meet and feel free to call either Tracey Boisvert (271-6809) or Susan Slack (271-1765) with any questions.

Sincerely,



Meredith A. Hatfield, Director

cc: Bill Carpenter/Bob Spoerl, DRED
Matthew Low, P.E. Hoyle, Tanner, & Associates

339:12 Effective Date. This act shall take effect January 1, 1988.

[Approved May 25, 1987.]

[Effective Date January 1, 1988.]

CHAPTER 340 (SB 1)

AN ACT ESTABLISHING THE NEW HAMPSHIRE LAND CONSERVATION INVESTMENT PROGRAM AND MAKING AN APPROPRIATION THEREFOR.

Be it Enacted by the Senate and House of Representatives in General Court convened:

340:1 New Chapter; Program Established. Amend RSA by inserting after chapter 221 the following new chapter:

CHAPTER 221-A

LAND CONSERVATION INVESTMENT PROGRAM

221-A:1 Statement of Purpose. The general court recognizes that in order to maintain New Hampshire's distinctive quality of life, strong economic growth must be balanced with responsible conservation initiatives and that the history of conservation in New Hampshire has been marked by cooperation among government, business, individuals, and conservation organizations. The general court further recognizes the strong traditions of both public and private land ownership and use, home rule, and the current need to invest in the conservation of natural resource lands in the state for the perpetual use of the people of New Hampshire. The general court hereby establishes the New Hampshire land conservation investment program.

221-A:2 Program Established; Intent. There is established the New Hampshire land conservation investment program. The intent of the program is to preserve the natural beauty, landscape, rural character, natural resources, and high quality of life in New Hampshire by acquiring lands and interests in lands of statewide, regional, and local conservation and recreation importance. These lands may include aquifer recharge areas, forested watersheds, recreation lands, areas of special scenic beauty, plant and wildlife habitats, critical farmlands, undeveloped shorelines, wetlands, flood storage areas, and other important open space and natural resource conservation areas. The program shall acquire, through voluntary negotiations with landowners and utilization of all available federal, state, local, private, and other matching funds and incentives, lands, easements, development rights, and other interests in lands for the primary purposes of protecting and ensuring benefits from and public access, where appropriate, to natural resource lands of statewide, regional, and local significance. All deeds or other documents evidencing purchase of fee interest or other interest in land under this chapter shall be drawn and held in the name of the state of New Hampshire or of the municipality purchasing the interest in land through the use of matching state funds.

221-A:3 Program Administratively Attached. The New Hampshire land conservation investment program shall be administratively attached to the office of state planning pursuant to RSA 21-G:10.

221-A:4 Board of Directors; Members; Quorum; Limitation on Liability.

I. The New Hampshire land conservation investment program shall be administered by a board of directors composed of 15 members. Voting members shall not appoint designees to act in their places, except that the president of the senate and the speaker of the house may appoint designees for their representatives. The chairman shall be elected from among the public members. Board membership shall be as follows:

- (a) Two members of the senate, to be appointed by the senate president.
- (b) Two members of the house of representatives, to be appointed by the speaker of the house.
- (c) Two public members with a demonstrated interest in conservation, one of whom shall represent the interests of towns and cities, and one of whom shall represent business interests to be appointed by the governor and council.
- (d) Three public members to be nominated by the Trust for New Hampshire Lands, and appointed by the governor and council. The Trust for New Hampshire Lands is a non-profit corporation dedicated to land conservation.
- (e) The director of the office of state planning.
- (f) The chairman of the fish and game commission.
- (g) The commissioner of the department of resources and economic development.
- (h) The commissioner of the department of agriculture.
- (i) The commissioner of the department of environmental services.
- (j) The state treasurer or his designee.

II. Members appointed under subparagraphs I(e) through (j) shall be advisory, non-voting members.

III. The terms of the state members and the members of the senate and house of representatives shall be coterminous with their terms in office. Members appointed by the governor and council under subparagraph I(c) shall serve a 3-year term. Members appointed under subparagraph I(d) shall serve a 2-year term. Members appointed by the governor and council may be removed from office for cause, by the governor and council. Cause for removal shall include, but not be limited to, incapacity or failure to perform the duties of a member of the board of directors. Vacancies shall be filled for the unexpired term of office in the same manner as the original appointment. Members may serve successive terms, and the legislative members shall be reimbursed for mileage at the legislative rate.

IV. Six voting members shall constitute a quorum. Decisions shall be made by a majority of the members present and voting. Each member appointed under subparagraphs I(a) through (d) shall have one vote on matters coming before the board. No bloc voting by any members shall be permitted on any matter. The board shall meet monthly and at such other times as may be deemed necessary by the chairman.

V. Board members shall not be subject to civil liability for acts performed in accordance with their duties under this chapter.

221-A:5 Powers and Duties of the Board of Directors. The board of directors shall:

I. Adopt rules under RSA 541-A relative to criteria and guidelines for identifying and acquiring lands, easements, development rights, and other interests in lands in accordance with the purposes of this chapter. These criteria and guidelines shall include those listed in RSA 221-A:9.

II. After approval by the governor and council, enter into contracts with private entities for services necessary to carry out the purposes of this chapter.

III. Oversee, direct, and expend funds deposited in the trust fund of the New Hampshire land conservation investment program in accordance with the purposes of this chapter. This includes, but is not limited to, the authority to draw upon funds for acquisition of lands and for the administrative costs of the pro-

gram, excluding the salary and benefits of the executive director. The board shall report its administrative expenditures to the joint legislative fiscal committee semi-annually. All expenditures for the acquisition of lands, easements, and development rights under this chapter shall be subject to the approval of the governor and council.

IV. Accept gifts and donations of money, including money from appropriate fund raising activities; land; interests in land; federal, local, private, and other matching funds and incentives; and other assets to be deposited in the fund for the purposes of this chapter.

V. Assign, for management purposes, each parcel of land or portion thereof, and each interest in land, to a state agency or, in the case of lands acquired using municipal matching money, to that municipality.

VI. Prepare an annual report to be presented no later than December 1 of each year to the speaker of the house, the president of the senate, and the governor and council. The report shall include a listing of all the lands and land rights acquired, the expenditure for these acquisitions, and a complete financial accounting of the funds in the trust fund.

221-A:6 Executive Director. The board of directors shall nominate one or more persons for appointment by the governor and council to serve as executive director. The executive director shall serve a term of 6 years, with a vacancy to be filled in the same manner as the original appointment. At the request of the board of directors, the governor may remove the executive director for cause. The salary of the executive director shall be as provided under RSA 94:1-a. The executive director shall:

I. Coordinate the activities of state agencies directly involved with the administration of the program in accordance with this chapter.

II. Evaluate land and determine if the parcel meets the criteria of the program, subsequent to instruction by the board of directors, and in consultation with the Trust for New Hampshire Lands.

III. At the direction of the board of directors, administer the affairs of the program and be directly responsible for executing all policies of the board.

221-A:7 Trust Fund Established; Administration.

I. There is established in the office of the state treasurer the trust fund for the New Hampshire land conservation investment program. Moneys in the fund shall be used for the purposes of this chapter and shall not be used for any other purpose.

II. The state treasurer is directed to invest the sums deposited in the fund in a prudent manner consistent with the purposes of this chapter. Interest earned on moneys in the fund shall accrue to the fund to the extent allowed under federal law.

III. No funds of any state agency shall be transferred to the trust fund without specific authorization from the general court, except for federal funds accepted by the governor and council for purposes similar to those of this chapter.

221-A:8 Program Administration; Matching Funds.

I. Acquisitions of development rights to farm land shall be coordinated with the agricultural land development rights program established by RSA 432:18 through 31-a.

II. Moneys from the fund may be used to provide matching funds up to an amount equal to the municipal contributions for the purposes of this chapter. Matching moneys from the fund shall be used only for municipal acquisitions of land and interests in land that meet the criteria established by the program and for which municipal matching sources are available. Municipal matching funds may be obtained from sources including, but not limited to, municipal appropri-

tions, private donations, federal funds, and a conservation fund authorized under RSA 36-A:5. Gifts of land and interests in land may qualify as, and be contributed to, the local matching funds. Municipalities shall manage lands and interests in land acquired under the program in accordance with the purposes of this chapter and in accordance with the criteria established under RSA 221-A:5, I.

221-A:9 Acquisition Criteria and Guidelines. The criteria and guidelines adopted by rule under RSA 221-A:5, I for acquiring lands and interests in lands shall include, but shall not be limited to, the following:

I. The land is contiguous to or enhances land already protected from development.

II. The land protects a unique natural or recreational resource.

III. The land allows for public access, where appropriate.

IV. The land serves and is managed for multiple uses.

V. The land would be acquired through the use of gifts, donations, matching funds and other incentives before state funds could be expended.

VI. The land would help to provide an equitable distribution throughout the state of land protected under this chapter. Nothing in this section shall be construed to require that each acquisition of land or interest in land under this chapter must meet all the criteria listed in this section.

221-A:10 Management.

I. All lands and interests in lands acquired by the program shall be assigned to one of the state agencies or, where the land is acquired with municipal matching funds, to the municipality for management in the public interest in accordance with the purposes of this chapter and shall not be managed by the program. Each assignment of land to a state agency shall be subject to review and reassignment if the board of directors deems it advisable.

II. No lands purchased in fee for permanent state ownership under this chapter shall be posted to prohibit hunting or fishing, unless the board of directors, by a majority vote of the voting members, deems such posting to be necessary to protect the interests of the state and the safety of its citizens, or upon recommendation of the fish and game commission or the division of forests and lands.

221-A:11 Public Trust. The lands and interests in lands acquired through the use of the trust fund for the program shall be held in public trust and used and applied for the purposes of this chapter. Notwithstanding any other provision of law relating to the disposal of publicly-owned real estate, no deviation in the uses of any land or interest in land so acquired to uses or purposes not consistent with the purposes of this chapter shall be permitted. The sale, transfer, conveyance, or release of any such land or interest in land from public trust is prohibited.

221-A:12 Public Access; Liability. No person, or his successor in title, who has granted or sold rights of public access by virtue of an easement, right-of-way, development right, or other means in accordance with the purposes of this chapter shall be liable to a user of that right of access for injuries suffered on that portion of the access way unless those injuries are caused by the willful or wanton misconduct of the grantor or successor in title.

221-A:13 Notification; Public Hearing. Prior to the acquisition in fee under this chapter of any land by the state for permanent state ownership the board of directors shall notify by certified mail, return receipt requested, the governing body of the municipality in which the land to be acquired is located. Upon receipt of such notice, the governing body of the municipality shall post a public notice of the proposed land acquisition and shall, at the request of 10 or more registered voters, petition the board to conduct a public hearing. The board shall allow at least 3 weeks for a response from the governing body of the municipality prior to making any decision on the proposed acquisition.

340:2 Salary; Executive Director; Land Conservation Investment Program. Amend RSA 94:1-a, I by inserting the following: In Group N, executive director, land conservation investment program.

340:3 Annual Reports; Future Funding. The board of directors, in its annual reports required by this act for 1988, 1990, and 1992, shall identify additional funding necessary to accomplish the goals of the land conservation investment program listed in RSA 221-A:1 and 221-A:2. The board shall consult with members of the legislative and executive branches to identify the level, timing, and potential sources of funding to carry out the full intent of the program.

340:4 Program Renewal. The New Hampshire land conservation investment program established by RSA 221-A shall terminate on June 30, 1993, unless renewed by the legislature, subject to the provisions of this section. If the program under RSA 221-A is not renewed on or before June 30, 1993, the council on resources and development established under RSA 162-C shall assume the power and duties of the board of directors on June 30, 1993.

340:5 Appropriation.

I. The sum of \$20,000,000 is appropriated for the purposes of this act. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated. This appropriation shall be non-lapsing.

II. There is appropriated to the trust fund established under RSA 221-A:7 an amount sufficient, but not to exceed \$75,000 per year, to provide for the salary and benefits of the executive director of the land conservation investment program provided for in section 2 of this act. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated. The sums appropriated under this paragraph shall be reimbursed to the treasury out of funds received by the trust fund established under RSA 221-A:7 from private, non-state sources.

340:6 Effective Date. This act shall take effect upon its passage.

[Approved May 25, 1987.]

[Effective Date May 25, 1987.]

CHAPTER 341 (SB 10)

AN ACT PERMITTING STATE PARTICIPATION IN A CLEAN WATER ACT
STATE REVOLVING LOAN FUND AND MAKING AN APPROPRIATION
THEREFOR AND MAKING AN APPROPRIATION TO THE
CONWAY VILLAGE FIRE DISTRICT FOR ITS
SEWAGE TREATMENT SYSTEM.

Be it Enacted by the Senate and House of Representatives in General Court convened:

341:1 New Section; State Water Pollution Control Revolving Loan Fund; Clean Water Act. Amend RSA 149-B by inserting after section 11 the following new section:

149-B:12 State Water Pollution Control Revolving Loan Fund.

I. Authority is hereby granted for the state of New Hampshire to participate in the federally funded state water pollution control revolving loan fund as may be provided under the Clean Water Act as amended from time to time. The loan fund shall be administered by the commissioner of the department of environmental services under rules adopted by the commissioner under the provisions of RSA

541-A. A committee composed of the governor or designee, the commissioner of environmental services or designee, the treasurer or designee, one member of the executive council to be named by the governor, the chairman of the senate capital budget committee or designee, the chairman of the house resources, recreation and development committee or designee, one member of the house of representatives appointed by the speaker of the house, and one member of the senate appointed by the president of the senate, shall assist and advise the commissioner of environmental services in developing guidelines and rules for determining eligibility and the administration of the loan fund.

II. It is the intent of the general court that many projects be considered for inclusion in the state water pollution control revolving loan fund program. The following projects shall be given first consideration for inclusion:

- (a) Manchester sewage treatment plant expansion.
- (b) Exeter sewage treatment plant.
- (c) Monroe sewage treatment plant.

341:2 Appropriation. The sum of \$2,400,000 is hereby appropriated for the biennium ending June 30, 1989, for the state water pollution control revolving loan fund described in RSA 149-B:12 as inserted by section 1 of this act for the purpose of providing a 20 percent state matching grant for the federal funds deposited in said fund during fiscal year 1989. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated. This appropriation shall be nonlapsing and in addition to any other sums appropriated to the state water pollution control revolving loan fund.

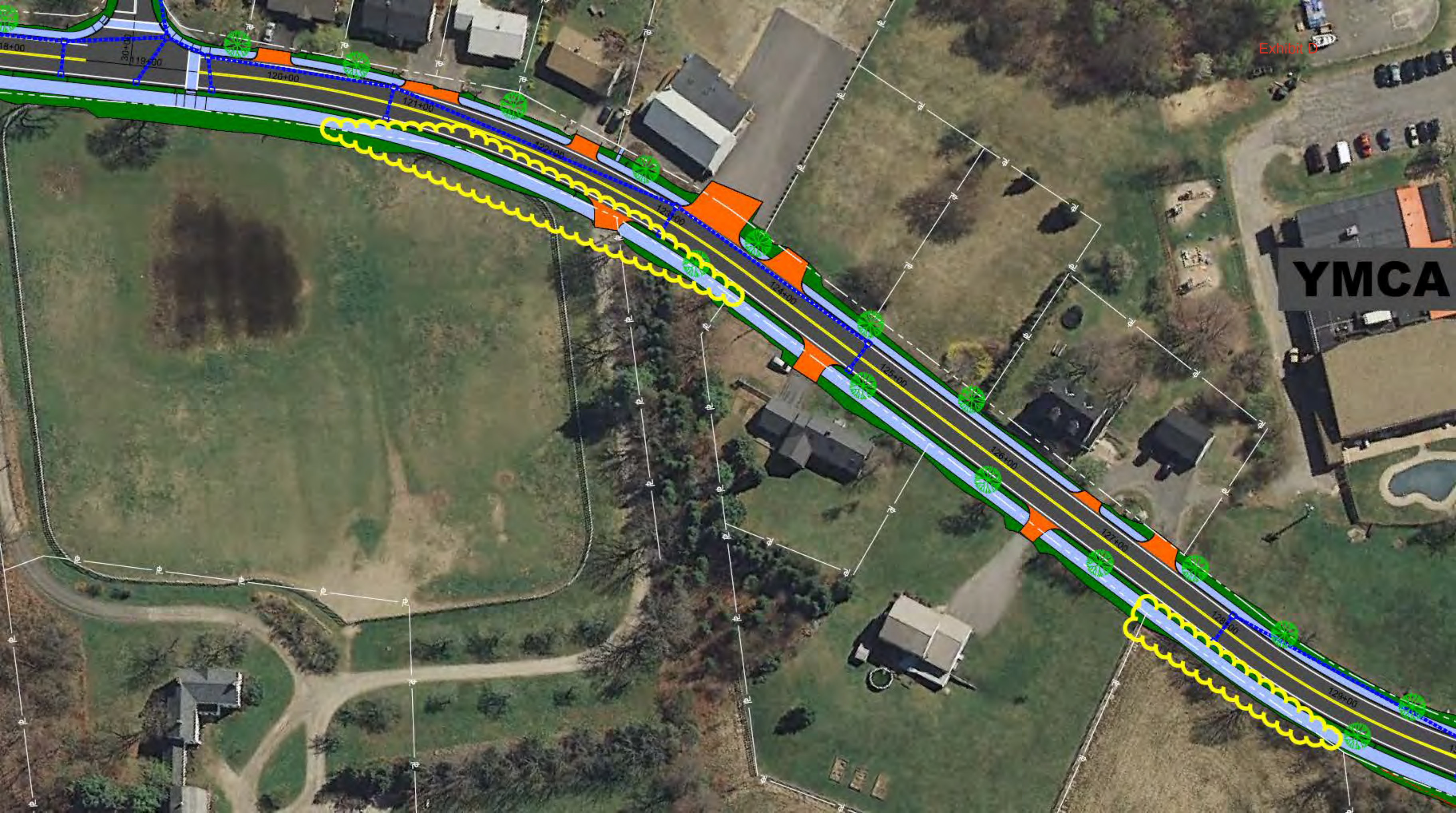
341:3 Study Committee Established. There is hereby established a study committee to review the funding mechanism of state water pollution control revolving loan fund and the federal changes in the Clean Water Act. The committee shall consist of 3 members of the senate finance committee appointed by the chairman of senate finance and 3 members of the house appropriations committee appointed by the chairman of the house appropriations committee. The committee shall select a chairman from its membership and shall meet at the call of the chairman. Committee members shall be entitled to legislative mileage in performing duties in connection with the committee work. The committee shall report its findings and recommendations to the president of the senate and the speaker of the house of representatives on or before December 1, 1987.

341:4 Conway Village Fire District. The sum of \$960,000 for the fiscal year ending June 30, 1988, is hereby appropriated to the Conway village fire district for the purposes of sewer treatment plant expansion, lagoon system expansion, and for interceptors. This appropriation shall be used to complete the treatment ability of the federal and state-funded sewage system begun in 1979. This appropriation shall be in addition to any other funds appropriated or allocated to the district by the state for water pollution control. This appropriation shall not be construed as setting any precedent for any other projects for replacement of federal funds withdrawn. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

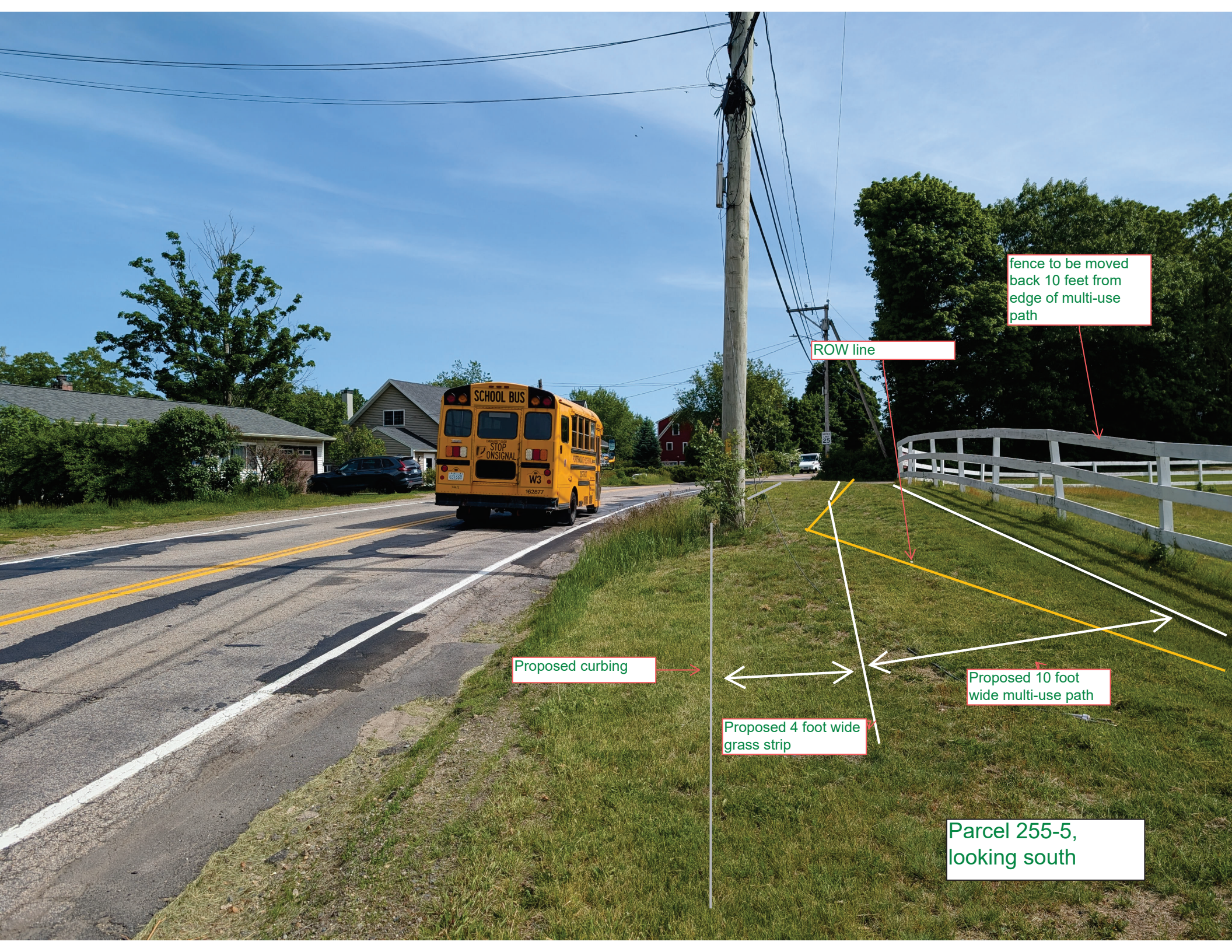
341:5 Bonds Authorized. The Conway village fire district is hereby authorized to issue bonds in an amount not to exceed \$320,000, with a 20-year maturity date, for the purposes of sewer treatment plant expansion, lagoon system expansion, and for interceptors. This bond issue shall be used to complete the treatment ability of the federal and state-funded sewage system begun in 1979. Notwithstanding any provision of RSA 33 or any other law to the contrary, such bonds shall be issued at the rate currently available for state bonds issued under RSA 6-A.

Exhibit D

YMCA







fence to be moved
back 10 feet from
edge of multi-use
path

ROW line

Proposed curbing

Proposed 4 foot wide
grass strip

Proposed 10 foot
wide multi-use path

Parcel 255-5,
looking south



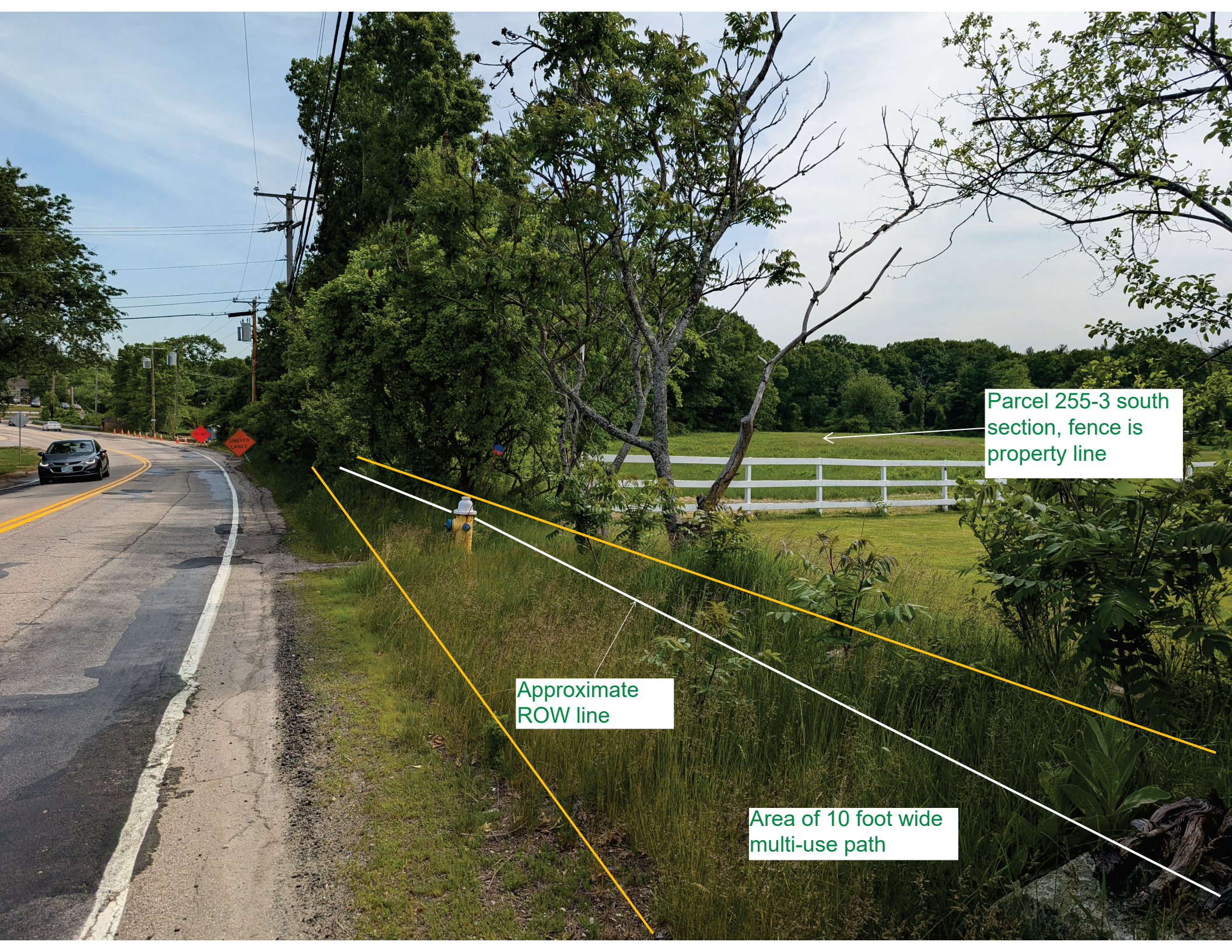
Approximate
ROW line

Parcel 255-3
north section,
looking south

Area of 10 foot
wide multi-use
path



SPEED
LIMIT
25



Parcel 255-3 south section, fence is property line

Approximate ROW line

Area of 10 foot wide multi-use path



limit of Parcel
255-3 south
section

Area of 10 foot wide
multi-use path

Approximate
ROW line



Parcel 255-3
north section