

*Barbara R. Luther*

**Memorandum of Agreement between the Winnepesaukee River Trail Association and the  
Town of Tilton  
January 24, 2011**

Town of Tilton, NH with a business address of 257 Main St, County of Belknap, New Hampshire 03276, herein referred to as the TOWN or ASSIGNEE, and The Winnepesaukee River Trail Association, Inc. of the City of Franklin, County of Merrimack and a corporation duly organized under the laws of the State of New Hampshire with a principal place of business at P.O. Box 464, Franklin, NH 03235 hereinafter referred to as WRTA or the ASSIGNOR.

WHEREAS, The WRTA currently has a purchase and sales agreement for the property commonly known as "Ernie's" at 180 East Main St, Tilton, NH; Tilton tax map U04 Lot 71 and

WHEREAS the purchase and sales agreement allows the WRTA to designate an assignee to purchase the property, and

WHEREAS the TOWN is interested in purchasing the property and the TOWN and the WRTA have a shared interest and vision in the future use of the property including:

- Protection of the shore land of the Winnepesaukee River
- Use of the property for conservation and light recreation
- To ensure access in perpetuity to the Winnepesaukee River Trail hereinafter referred to as THE TRAIL, on the Railroad right of way adjacent to the property.
- To establish a pedestrian bridge across the Winnepesaukee River between Tilton and Northfield with access to THE TRAIL.

THEREFORE, the WRTA does hereby designate the TOWN as their assignee to complete the purchase of the property. The TOWN will pay \$65,000 toward purchasing the property, and \$5,000 in realtor fees and will also pay closing costs and title insurance. The TOWN of Tilton will be the owner of the property. In consideration of this designation the ASSIGNEE agrees to provide the WRTA with:

- A deeded easement, minimum of 12 feet across the property to the Railroad Right of way and/or THE TRAIL (location to be determined)
- An unimproved (e.g. gravel) parking area for up to 8 cars (for the purpose of utilizing the trail) which can directly access the easement to The Trail
- The ability to erect a simple wood information kiosk (as approved by the Tilton Conservation Commission) to provide information about The TRAIL, the Winnepesaukee River, and other nature and conservation areas of interest in Tilton and Northfield
- A deeded easement for the installation of footings and construction of a pedestrian bridge between Tilton and Northfield which connects to the Railroad right of way and/or the easement to the Railroad right of way (location to be determined) and for the maintenance, repair and/or replacement of any of its subsequent components.

- A temporary staging area for materials and equipment for use during the limited time of active construction of THE TRAIL and/or pedestrian bridge,
- A temporary construction easement (maximum of 33 feet) for construction equipment to access the railroad corridor at the back of the property for construction of THE TRAIL and/or pedestrian bridge

The WRTA agrees to provide to the ASSIGNEE:

- Assistance in applying for any grants to offset demolition costs for the buildings on the property
- To cover the costs of the demolition/disposal of the buildings up to \$20,000 (based on the rough estimate provided by Tri State Environmental Services)
- WRTA funds only to be used to offset the difference between available grant funding and costs of demolition
- To cover the costs of historical and archaeological review required for use of the trail.

Any changes to this Memorandum of Agreement shall be made in writing and subject to the approval of the WRTA, Inc, the Tilton Board of Selectmen and the Tilton Conservation Commission.

IN WITNESS WHEREOF, we have hereunto set our hands this 24<sup>th</sup> day of January, 2011.

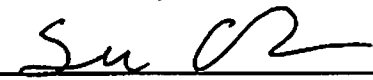
ACCEPTED: Winnepesaukee River Trail Association, Inc.

By:   
Kenneth Norton, WRTA , Inc. Vice Chair

ACCEPTED: Town of Tilton by its Conservation Commission

  
Helen Hanks, Vice Chair

  
Robert Hardy, Vice Chair

  
Susan Clark

  
Jon Scanlon

  
Kathi Mitchell (Alternate)

ACCEPTED: Town of Tilton by its Board of Selectmen

Patricia Consentino  
Sel. Patricia Consentino, Chair

Sandra Plessner  
Sel. Sandra Plessner, Vice Chair

Normand J. Boudreau  
Sel. Normand J. Boudreau

Katherine Dawson  
Sel. Katherine Dawson

David Wadleigh Sr.  
Sel. David Wadleigh, Sr.

State of New Hampshire  
County of Belknap, ss.

Personally  
Appeared:

Kenneth Norton, Helen Hanks, Robert Hardy, Susan Clark, Jon Scanlon, Kathi Mitchell, Sel. Normand J. Boudreau, Sel. Katherine Dawson, Sel. David Wadleigh, Sr., Sel. Patricia Consentino and Sel. Sandra Plessner.

Before me: Joyce May Fulweiler

JOYCE MAY FULWEILER  
Notary Public - Justice of the Peace  
My Commission Expires March 24, 2015

