

408427

Useful word

GRANT OF CONSERVATION
RESTRICTION [LOT 2]

Infinity Sherwood Properties Limited Partnership (the "Grantor"), a Delaware limited partnership, having a mailing address of 1330 Boylston Street, Chestnut Hill, Massachusetts 02167, grants to the Town of Tilton (the "Grantee"), a municipal corporation, having a mailing address of 145 Main Street, Tilton, New Hampshire 03276, the benefit of and the right to enforce a conservation restriction in and on a certain portion (the "Conservation Area") of certain property (the "Property") of the Grantor located in Tilton, County of Belknap and State of New Hampshire shown as Lot 2 on a plan (the "Plan") entitled "Easement Plan, Rodgers Development Company, Tilton, NH," dated July 8, 1994, as revised, prepared by Holden Engineering & Surveying, Inc., and recorded or to be recorded with the Belknap County Registry of Deeds. The Conservation Area is more particularly bounded and described in Exhibit A attached hereto.

The term "conservation restriction" as used herein shall mean that the Grantor will not, except as otherwise provided herein, conduct or permit the following activities in the Conservation Area:

- (a) construction or placing of buildings, mobile homes, structures of any kind or nature, parking lots, paved roadways, or other improvements on or above the ground; and
- (b) dumping or placing of any trash, rubbish, vehicle bodies or parts, debris, junk, waste or unsightly and offensive materials.

Notwithstanding anything contained above, the Grantor reserves the right to conduct or permit on or within the Conservation Area the following:

- (a) the planting of trees, shrubs and other vegetation, and the mowing of grass;
- (b) activities such as landscaping and regrading of the Conservation Area;
- (c) pruning, cutting and removal of trees, brush and other vegetation consistently with sound forestry conservation practices or to implement disease prevention measures;
- (d) activities required for the installation of lines, conduits, pipes, mains, wires and cables together with necessary poles, manholes and other appurtenances for the conveyance or transmission of electricity, water, gas, sewer, drainage, telephone or any other utility of any nature on, under or over the Conservation Area;

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- (e) the inspection, maintenance, repair and replacement of the existing fire hydrant and related appurtenances;
- (f) the inspection, maintenance, repair and replacement of the existing gravel parking lot, lawn area, picnic tables and benches;
- (g) the construction, placement, replacement and maintenance of any signage;
- (h) Activities permitted under a Sewer Easement granted by Grantor to Grantee on or about the date hereof and recorded or to be recorded with the Belknap County Registry of Deeds.

The intent of the foregoing restriction is to retain the Conservation Area in a predominantly unimproved and open condition, subject to the exceptions set forth above. The restriction shall be administered and enforced by the Grantee.

The conservation restriction hereby conveyed does not grant to the Grantee or the general public any right to enter upon the Conservation Area except that the Grantee, through one or more duly designated officers, employees or at reasonable times and in a reasonable manner, for the purpose of inspecting the Conservation Area to assure compliance with the terms of this conservation restriction. The right hereby granted shall be in addition to any other remedies available to the Grantee for the enforcement of the foregoing restrictions.

This conservation restriction shall be binding upon and may be enforced against the Grantor, its successors and assigns by the Grantee and its successors as holders of this conservation restriction.

This is not a homestead property.

For Grantor's title see deed of Rodgers Development Company on or about the date hereof and to be recorded with the Belknap County Registry of Deeds.

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EXHIBIT A

Legal Description of Conservation Restriction [Lot 2]

A certain restriction in Tilton, Belknap County, New Hampshire beginning at the northwest corner of the easement at a point 35.35 feet North 71° 38' 50" East of a drill hole found said point being the northwesterly corner of Lot 2 at Lot 5; thence by said Lot 5

1. North 75° 48' 39" East 104.81 feet to a point on the westerly sideline of proposed Sherwood Drive, thence by said sideline
2. South 25° 37' 12" East 155.11 feet to a point of curvature, and
3. Southeasterly by a curve to the left having a radius of 725.00 feet, a distance of 204.74 feet to a point of tangency, and
4. South 41° 48' 01" East 287.28 feet to a point of curvature, and
5. Southeasterly by a curve to the left having a radius of 340.00 feet, a length of 37.39 feet and a chord bearing of South 44° 57' 01" East 37.37 feet to a non-tangent point of tangency; thence over Lot 2
6. South 29° 56' 18" East 372.85 feet to a point, and
7. South 09° 24' 25" East 150.45 feet to a point, and
8. South 35° 27' 47" West 133.39 feet to a point at the land of George H., Katherine W. & Daniel W. Ryan; thence by said Ryan land
9. North 37° 47' 35" West 663.91 feet to a 1 1/4" iron pipe found, and
10. North 21° 18' 29" West 622.61 feet to the point of beginning.

All distances being more or less.

Meaning and intending to describe an approximately 5.182 acre conservation restriction over a portion of Lot 2.

RECEIVED
Rachel M. Normandin
94 JUL 21 AM 10:45

REGISTRY OF DEEDS
BELKNAP COUNTY
Registered

BK1304 PG0767

Executed as a sealed instrument this 29th day of July, 1994.

INFINITY SHERWOOD PROPERTIES LIMITED PARTNERSHIP

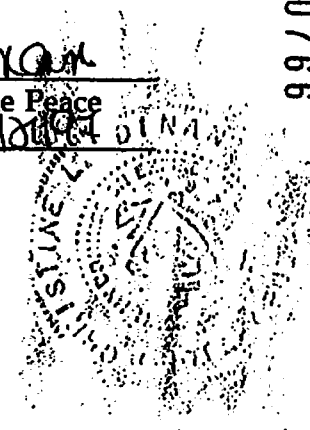
By: INFINITY PROPERTIES, LTD.
Its: CORPORATE GENERAL PARTNER

By: Thomas J. Desimone
Its: VIC PRESIDENT

STATE OF Massachusetts
COUNTY OF Middlesex, SS

Then personally appeared before me this 19th day of July, 1994, the above-named Thomas J. Desimone the Vice President of Infinity Properties Ltd. and acknowledged the foregoing instrument to be his free act and deed and the free act and deed of Infinity Properties Ltd. as corporate general partner for Infinity Sherwood Properties Limited Partnership.

Christine P. Simon
Notary Public/Justice of the Peace
My commission expires: 2/28/94



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