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Easton

D-E2756



THE STATE OF NEW HAMPSHIRE
PUBLIC SERVICE COMMISSION

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE

v.

SIMON L. RUSKIN AND FRANCES E. RUSKIN

Petition for Condemnation

Comes now Public Service Company of New Hampshire, a Corporation organized under the laws of The State of New Hampshire, and having its principal place of business in Manchester, New Hampshire, engaged in the generation, distribution and sale of electric energy to the public in Manchester and elsewhere in The State of New Hampshire, and respectfully represents to this Commission as follows:

(1) In order to meet the reasonable requirements of service to the public, it is necessary for the Company to construct one or more 115 KV transmission lines from Orveton, New Hampshire to North Woodstock, New Hampshire.

(2) The Company is informed and believes and therefore alleges that Simon L. Ruskin and Frances E. Ruskin are the owners, as joint tenants, of certain land in the Town of Easton, County of Grafton, said State, sometimes now or formerly known as the "Leighton Farm," and being all and the same premises conveyed to said Simon L. Ruskin and Frances E. Ruskin as joint tenants by Mary Heritage Buchmayr by deed dated September 19, 1946, recorded in Grafton County Registry of Deeds, Book 144, Page 227. Reference is made in said deed to earlier deeds recorded in said Registry for a more particular

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Description of said premises. According to said deeds referred to said premises are bounded and described as follows:

FIRST TRACT: A certain tract or parcel of land, with the buildings thereon, situated in Easton and being the larger part of the R. D. Blake Farm, so called, and described as follows:

Beginning at the southwest corner of D. J. Whitcher's land and near the highway; thence northerly on the same degree as D. J. Whitcher's west line to land of C. L. Thayer; thence westerly by land of C. L. Thayer and land of L. S. Bowles; thence southerly by land of D. J. Whitcher's, thence easterly by land of D. J. Whitcher, D. A. Dree and W. P. Hall to a corner; thence northerly to bound near the highway begun at.

Reserving to C. A. Young, a right of way from the highway near bound begun at, northerly by the east line of said farm to his lands

Being all and the same premises described in deed of C. A. Young to E. S. Leighton, dated August 18, 1901, recorded in Grafton County Registry of Deeds, Book 454, Page 188, which said deed is incorporated by reference in said deed of Mary Heritage Buchwayr to Simon L. Ruskin and Frances R. Ruskin.

SECOND TRACT: A certain tract of land situated in said Easton, it being all of One Hundred (100) acre Lot Number 11 in the Fourth Range and First Division of Lots in Landaff (now Easton) except a small piece that the late Stephen Kendall owned.

Being all and the same premises conveyed by Leonard Bowles and Simon Bowles to Edwin S. Leighton by deed dated April 28, 1908, recorded in said Registry, Book 470, Page 80, which said deed is incorporated by reference in said deed of Mary Heritage Buchwayr to Simon L. Ruskin and Frances R. Ruskin.

(3) The Company desires to acquire a right of way Two Hundred Twenty-five (225) feet in width across the premises described in the preceding paragraphs, said right of way to extend Seventy-five (75) feet westerly and One Hundred Fifty (150) feet easterly of a line bounded and described as follows:

Beginning at a point in the wire fence on the southerly boundary of the above described premises at land of Eastman, said point of beginning being 213 feet westerly, along said fence from the southeast corner of said premises;

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thence running N 22°00' E 2172 feet to an angle point; thence N 3°12' E 388 feet to the northerly boundary fence at land of Cooley, containing 18.8 acres, more or less.

The Company desires to obtain said right of way in accordance with the form attached hereto and made a part hereof.

(4) The Company further alleges that on October 14, 1947, the said Simon L. Ruskin duly executed an option under the terms of which the Company was granted an irrevocable option for one year to purchase for the sum of One Thousand Dollars (\$1000) a right of way of the same width and across the same premises described above. At the time of execution of the above option the Company neither knew nor believed, nor had information sufficient to form a belief, that said Frances R. Ruskin had any proprietary interest in the above described premises. Upon election by the Company to exercise said option, and upon tender of the agreed purchase price the said Simon L. Ruskin and Frances R. Ruskin refused, and continue to refuse, to execute a deed conveying to the Company said right of way more particularly described above. The Company is unable to agree with said Simon L. Ruskin and Frances R. Ruskin as to the price to be paid for said right of way.

WHEREFORE, Public Service Company of New Hampshire prays that the Commission grant it permission to take the right-of-way as above set forth.

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE

By William D. [Signature]
Its Attorneys

ATTEST
A TRUE COPY
[Signature]
SECRETARY
N. H. PUBLIC SERVICE COMMISSION