

**ACQUISITION FROM THE
BOSTON AND MAINE CORPORATION**

**CONCORD
MERRIMACK COUNTY REGISTRY**

RELEASE DEED

The **BOSTON AND MAINE CORPORATION**, a corporation duly organized and existing under the laws of the State of Delaware, with offices at Iron Horse Park, North Billerica, Middlesex County, Massachusetts (the "Grantor") in consideration of Three Hundred Eighty Thousand Dollars (\$380,000.00) Dollars paid to it by **STATE OF NEW HAMPSHIRE, DEPARTMENT OF TRANSPORTATION** (the "Grantee") with a mailing address of One Hazen Drive, Concord, NH 03302-0483 hereby grants to the Grantee all the Grantor's right, title and interest, without any warranties or covenants of title whatsoever, in a certain parcel of land, and the buildings, bridges, structures, crossings, fixtures and improvements thereon, if any, situated in Concord, County of Merrimack, State of New Hampshire (the "Premises") described as follows:

SEE EXHIBIT "A" ATTACHED HERETO AND
MADE A PART HEREOF BY THIS REFERENCE.

This conveyance is subject to the following reservations, conditions, covenants and agreements:

1. This conveyance is made without granting any right of way, either by necessity or otherwise, over any remaining land or location of the Grantor.
2. By the acceptance of this deed and as part consideration therefor, the Grantee hereby assumes any and all agreements, covenants, obligations and liabilities of the Grantor in respect to any underground facilities, drainage culverts, walls, crossings and/or other structures of any nature and description located in whole or in part within the Premises.
3. Notwithstanding any other provision hereof, this deed is subject to a reservation by the Grantor for an access easement located twenty-five (25') feet east of centerline from the Grantors Northern Main Line so-called and shown on the plan to be recorded herewith.
4. The requirements of deed stamps and a Declaration of Consideration do not apply to this transaction pursuant to RSA 78-B:2 and RSA 78-B:10, III.

- 5. Whenever used in this deed, the term "Grantor" shall not only refer to the **BOSTON AND MAINE CORPORATION**, but also its successors, assigns and affiliates and the term "Grantee" shall not only refer to the above-named Grantee, but also the Grantee's successors, assigns and grantees, as the case maybe.
- 6. The several exceptions, reservations, conditions, covenants and agreements contained in this deed shall be deemed to run with the land and be binding upon the Grantee forever. In addition to the acceptance and recording of this deed, the Grantee hereby signifies assent to the said several exceptions, reservations, conditions, covenants and agreements, by joining in its execution.

IN WITNESS WHEREOF, the said **BOSTON AND MAINE CORPORATION** has caused this release deed to be executed in its name and its corporate seal to be hereto affixed by David A. Fink, its Chief Executive Officer, thereunto duly authorized this 18th day of September, 1998.

**GRANTOR:
BOSTON AND MAINE CORPORATION**

David Swallow
Witness

By: David A. Fink
David A. Fink, Chief Executive Officer

**GRANTEE:
STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION**

Marie C. Curson
Witness

By: James F. Marshall

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

November 18, 1998

Then personally appeared the above-named David A. Fink, the Chief Executive Officer of the **BOSTON AND MAINE CORPORATION** and acknowledged the foregoing release deed to be his free act and deed and the free act and deed of said **BOSTON AND MAINE CORPORATION**, before me.

[Handwritten Signature]
Notary Public
My Commission Expires: 12/03/04
[Notary Seal]

MERRIMACK, ss.

Nov. 20, 1998

Then personally appeared **JAMES F. MARSHALL** the **DIRECTOR** of **STATE OF NEW HAMPSHIRE, DEPARTMENT OF TRANSPORTATION** and acknowledged the foregoing release deed to be his/her free act and deed and the free act and deed of said **STATE OF NEW HAMPSHIRE, DEPARTMENT OF TRANSPORTATION**, before me.

[Handwritten Signature]
Notary Public:
My Commission Expires: 6/5/01
[Notary Seal]

EXHIBIT A

PARCEL #1

Beginning at a point in the existing Easterly Right-of-Way Line of the Northern Railroad corridor said point being nearly opposite of the beginning tracks of the White Mountain Branch Railroad, so called, said point also being identified as Point #1, as shown on a plan prepared for the State of New Hampshire by Paul M. Darbyshire, licensed land surveyor, dated Nov. 11, 1998 and to be recorded in the Merrimack County Registry of Deeds, entitled "Land in Concord, N.H. B&M Corp to State of New Hampshire", thence N 39° 39' 39" W a distance of one hundred four and five hundredths (104.05) feet to Point #2; thence N 25° 55' 01" W a distance of eight-two and eighty-seven hundredths (82.87) feet to Point #3; thence N 19° 41' 12" W a distance of two hundred five and forty-six hundredths (205.46) feet to Point #4; thence N 15° 35' 03" W a distance of two hundred forty-three and nineteen hundredths (243.19) feet to Point #5; thence N 67° 10' 50" E a distance of twenty-eight and thirty-eight hundredths (28.38) feet to Point #6; thence N 02° 37' 10" E a distance of one hundred ninety and eight tenths (190.80) feet to Point #7; thence Northerly and curving to the left on an arc of a circle having a radius of seven hundred one and seventy eight hundredths (701.78) feet with a total length equaling one hundred twelve and two hundreds (112.02) feet to Point #8; thence N 06° 20' 20" W a distance of forty-nine and seventeen hundredths (49.17) feet to Point #9, said point also being in a granite bound found mark with a "Holden" disk; thence N 06° 18' 54" W a distance of four hundred nine and fifty-nine hundredths (409.59) feet to Point #10, said point also being in a buried iron pipe found; thence Northerly and curving to the right on an arc of a circle having a radius of two thousand eight hundred seventy-nine and ninety-three hundredths (2,879.93) feet with a total length equaling four hundred forty-two and eleven hundredths (442.11) feet to Point #11, said point also being in the Southerly Limited Access Right-of-Way Line of the South Bound on ramp leading from I-393 to I-93; thence Easterly along said Right-of-Way Line on an arc of a circle having a radius of eight hundred eighty-six and seventy-five hundredths (886.75) feet with a total length equaling forty-eight and thirty-eight hundredths (48.38) feet to Point #12; thence Southerly and curving to the left on an arc of a circle having a radius of two thousand eight hundred thirty-one and ninety-three hundredths (2,831.93) feet with a total length equaling six hundred eighty-six and seventy-two hundredths (686.72) feet to Point #13, said point also being in a granite bound mark with a "Holden" disk; thence S 11° 26' 50" W a distance of seventy-three and twenty-seven hundredths (73.27) feet to Point #14, said point also being in a granite bound found with a "Holden" disk; thence S 06° 21' 48" E a distance of two hundred thirty-one and eighty-four hundredths (231.84) feet to Point #15; thence Southerly and curving to the right on an arc of a circle having a radius of seven hundred thirty-one and seventy-eight hundredths (731.78) feet with a total length equaling twenty-eight and eighty-three hundredths (28.83) feet to Point #16; thence S 02° 35' 45" W a distance of one hundred eighty (180.00) feet to Point #17; thence Southerly and curving to the left on an arc of a circle having a radius of seven hundred one and seventy-eight hundredths (701.78) feet with a total length equaling one hundred eighty-two and eight-six hundredths (182.86) feet to Point #18; thence S 12° 20' 01" E a distance of one hundred fifty-three and two hundredths (153.02) feet to Point #19; thence S 19° 29' 30" E a distance of forty-five and ninety-six hundredths (45.96) feet to Point #20; thence Southerly and curving to

the left on an arc of a circle having a radius of seven hundred one and seventy-eight hundredths (701.78) feet with a total length equaling eighty-seven and sixty-seven hundredths (87.67) feet to Point #21; thence S 26° 38' 58" E a distance of one hundred fifty-two and fifty-five hundredths (152.55) feet to point of beginning. Containing seventy-five thousand two hundred sixty-eight (75,268) square feet, more or less, or one and seven twenty-eight thousandths (1.728) acres, more or less.

Excepting and reserving to the grantor an access easement measuring twenty-five (25) feet, more or less in width from the center line of track of the Northern Railroad within the limits of the above described tract as shown on said plan for track maintenance.

PARCEL #2

The remainder corridor section of the White Mountain Branch extending Northerly from the above described parcel to Station 56+75 at Mile Post 1.16 Yard Limits at land of the grantee, being identified as Parcel #'s 13, 14 and a portion of 16, as shown on Valuation Map 21/35, on file in the records of the New Hampshire Department of Transportation. Containing one hundred forty-eight thousand three (148,300) square feet, more or less, or three and four tenths (3.40) acres, more or less.

MERRIMACK COUNTY RECORDS

Kathi L. Quay, Register