

**AGREEMENT  
STATE OF NEW HAMPSHIRE  
AND  
TOWN OF DERRY**

**DERRY  
ROCKINGHAM COUNTY REGISTRY**

AGREEMENT

THIS AGREEMENT made and entered into this 15<sup>th</sup> day of October, 1985, by and between the State of New Hampshire (hereinafter called "State") acting by and through its Commissioner of Public Works and Highways (hereinafter referred to as "Commissioner") and the Town of Derry, New Hampshire (hereinafter called "Town"), witnesseth:

WHEREAS, RSA 228:60-b (supp) provides that all rail property offered for sale by a railroad corporation shall be offered for sale to the State of New Hampshire in the first instance, and

WHEREAS, the Town and the Boston & Maine Corporation (hereinafter referred to as "B&M") have entered into an agreement whereby the Town will purchase from B & M certain rail property described as a portion of the so-called Manchester-Lawrence Branch extending northerly from the Windham-Derry town line at Engineering Station 2060 + 78 to the southerly sideline of North High Street in Derry, New Hampshire, at Engineering Station 2245 + 00, as shown on Evaluation Sheet Nos. V10/10, V10/11, V10/12, and V10/13, attached hereto as Exhibits A, B, C and D; and

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ROCKINGHAM COUNTY,  
REGISTRY OF DEEDS

WHEREAS, the State is willing to release its statutory right of first refusal upon condition that the Town preserve and perpetuate an unobstructed thirty foot wide corridor for future railroad or alternative mass transportation use.

NOW THEREFORE, in consideration of the agreements and covenants of the parties hereto, it is mutually agreed as follows:

1. The State will indicate to B & M in writing, upon request by the Town, that the State does not wish to match the Town's offer to purchase the above-described rail property upon condition that the premises are conveyed subject to a covenant prohibiting the erection of any permanent structures within a thirty foot wide corridor located fifteen feet on either side of the center line of the existing railway line without prior approval by the State.

2. The Town will request that a provision be included in the deed of deeds from B & M to like effect, to wit: the Town, its successors and assigns, covenant and agree that it will not erect, nor suffer to be erected, any permanent structures within said thirty foot wide corridor without prior approval by the State.

3. The Town agrees to include a provision prohibiting the erection of any permanent structures within said thirty foot wide corridor without State approval in all of its future conveyances of portions of the railroad property.

4. The Town agrees to submit for review and approval all proposed plans for construction of any permanent structure to be located within said thirty foot wide corridor to the Railroad

Administrator, Department of Public Works and Highways, John O. Morton Building, Concord, New Hampshire 03301.

5. This Agreement shall be binding upon the successors and assigns of each of the parties hereto.

IN WITNESS WHEREOF, the parties hereto have executed this agreement on the day and year first written above.

TOWN OF DERRY  
By Its Board of Selectmen

*[Handwritten signatures of Board of Selectmen]*

STATE OF NEW HAMPSHIRE

By: *[Signature]*  
John P. Chandler, Commissioner  
of Public Works and Highways

ATTORNEY GENERAL

Stephen E. Merrill

This is to certify that the above agreement has been reviewed by this Office, and is approved as to form, substance and execution.

*[Signature]*  
Assistant Attorney General

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