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**DECLARATION OF COMMON ACCESS, INGRESS AND EGRESS EASEMENT
AND MAINTENANCE COVENANT FOR
TAX MAP D / LOT 73 and TAX MAP D / LOT 72
BROOKLINE, NEW HAMPSHIRE**

THIS DECLARATION MADE THIS _____ DAY OF April, 2024 by Farm Boy Properties, LLC, a New Hampshire Limited Liability Company, with a mailing address of 211 Route 13, Brookline, Hillsborough County, New Hampshire 03033 (the “Declarant”)

WHEREAS, the Declarant, Farm Boy Properties, LLC, owns certain premises known as Tax Map D/Lot 73 with an address of 199 Route 13, Brookline, New Hampshire 03033 and owns certain premises known as Tax Map D/Lot 72 with an address of 201 Route 13, Brookline, New Hampshire 03033 (the “Premises”).

WHEREAS, the DECLARANT desires to create certain non-exclusive easement for access, ingress from and egress to and from NH Route 13 to Tax Map D, Lot 72 and Tax Map D, Lot 73 by motor vehicle, on foot, or otherwise, utilities, and capable of accommodating the necessary emergency vehicles and as shown a “Common Driveway Easement” on Plan entitled “Farm Boy Properties, LLC – 199 Route 13 – Map D Lot 73 – Brookline, New Hampshire – Housing for Older Persons Development – Easement Plan” Scale: 1” = 20’, Dated March 19, 2024 by Meridian Land Services, Inc. and recorded in the Hillsborough County Registry of Deeds as Plan #_____.

NOW THEREFORE, the DECLARANT declares that the Premises are and shall be held, conveyed, encumbered, leased, used, occupied and improved, subject to the easements, restrictions, covenants, conditions and other provisions hereinafter set forth, all of which shall be deemed to benefit and burden the lots comprising the Premises as hereinafter set forth and shall run with the land.

ARTICLE I

Access and Egress Easement/Utility Easement

A. The owners and occupants of Tax Map D, Lot 72 and Tax Map D, Lot 73 shall have the benefit of the Access, Ingress and Egress Easement and the Maintenance Easement over, upon, under and through Tax Map D, Lot 73 and described and shown on said Plan.

B. The owners and occupants of Tax Map D, Lot 72 and Tax Map D, Lot 73 shall have the benefit of the Access, Ingress and Egress Easement for the entire length of this access easement.

C. The Access, Ingress and Egress Easement shall include all uses normally and customarily made of a private way in commercial developments and housing developments, including, but not limited to, the right to pass and repass by motor vehicle, on foot, or otherwise for the purpose of full and free access, ingress from and egress to Route 13 and the individual lots as herein above specified, and shall also include the right to install (including the right to construct, grade, pave and seal the driveway), maintain (including snowplowing), and repair. No parking shall be permitted within the easement, nor shall any other use be made of the easement that would interfere with the rights of others entitled to the use thereof.

D. The owners, heirs and assigns of Tax Map D, Lot 72 and Tax Map D, Lot 73 reserve the right to cross over and use the easement for the purposes of the installation and maintenance of utilities, including but not limited to telephone, power, and cable services, provided the same shall not interfere with the right to access, ingress and egress.

E. The Common Access, Ingress and Egress easements is described as follows:

A certain parcel of land in Brookline, Hillsborough County, New Hampshire containing 0.088 acres and more particularly described as follows:

Beginning at the northwesterly corner of the within described easement at a point on the easterly sideline of NH Route 13, at other land of said Farm Boy Properties, LLC known as Lot D-72; thence by said Lot D-72 land

1. South 88° 51' 40" East – 60.00 feet to a point: thence through said Lot D-73
2. South 41° 55' 27" West – 50.00 feet to a point, and
3. South 09° 52' 15" West - 165.00 feet to a point at land now or formerly of John J. & Denise L. Liska on the easterly sideline of said NH Route 13; thence by said easterly sideline
4. North 00° 29' 10" East – 200.96 feet to the point of beginning.

See plan entitled "Farm Boy Properties, LLC – 199 Route 13 – Map D Lot 73 – Brookline, New Hampshire – Housing for Older - Persons Development – Change of Use Site Plan" Scale: 1"= 20', Dated March 19, 2024 by Meridian Land Services, Inc. and recorded in the Hillsborough County Registry of Deeds as Plan #_____.

ARTICLE II

Maintenance

A. The owners of Tax Map D, Lot 72 and Tax Map D, Lot 73 shall be solely responsible for the cost of the installation, maintenance and repair or improvement of the Easement.

B. Upon acceptance of a deed to Tax Map D, Lot 72 and Tax Map D, Lot 73, the grantees, their successors and assigns, as owners of such lots, shall be responsible for the cost of maintenance and repair of, or improvement.

ARTICLE III

Amendments

This instrument may be amended from time to time with a written instrument duly executed by all of the then owners which may be affected by an individual provision within this Declaration. The lot owners may agree to and change the proportion of maintenance costs attributable to a particular lot.

ARTICLE IV

Enforcement

Failure by the DECLARANT, its successors and assigns, or any owner of a lot to enforce any of the provisions of this Declaration or any amendment thereto shall, in no event, be deemed a waiver of the right to do so thereafter as to the same breach or as to one occurring prior or subsequent thereto.

ARTICLE V

Duration

The covenants and restrictions of this Declaration shall run with and bind the land, and shall inure to the benefit of and be enforceable, as aforesaid, by the owners of any land subject to

this Declaration, their respective legal representatives, heirs, successors and assigns.

ARTICLE VI

Hold Harmless

The then owner of Tax Map D/Lot 72 shall insure, hold harmless and indemnify the then owner of Tax Map D/Lot 73 on any and all claims by any party in conjunction with access, ingress and egress to Tax Map D/Lot 72.

The then owner of Tax Map D, Lot 73 shall insure, hold harmless and indemnify the then owner of and Tax Map D, Lot 72 on any and all claims by any party in conjunction with access, ingress and egress to Tax Map D, Lot 73.

For title reference see Deed to Farm Boy Properties, LLC recorded in the Hillsborough County Registry of Deeds at Book 9714, Page 298.

WITNESS my hand and seal this _____ day of April, 2024.

Farm Boy Properties, LLC
By: Benjamin E. Senter, Manager
Duly Authorized

STATE OF NEW HAMPSHIRE
COUNTY OF HILLSBOROUGH

On this the _____ day of April, 2024, before me, personally appeared Benjamin E. Senter, Duly Authorized Manager of Farm Boy Properties, LLC, known to me (or satisfactorily proven) to be the person described in the foregoing instrument and acknowledged that he executed the within instrument for the purposes therein contained.

Notary Public / Justice of the Peace