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# WAL★MART STORES, INC.

REALTY MANAGEMENT DEPT. ★ 2001 S. E. 10th STREET ★ BENTONVILLE, AR 72712-6489 ★ 501-273-4682

June 14, 1999

**RECEIVED**

JUN 18 1999

Robert Hardy  
Tilton Conservation Commission  
257 Main Street  
Tilton, NH 03276

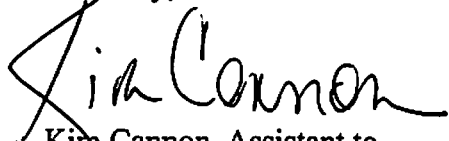
**SELECTMEN'S OFFICE - TILTON**

Re: Wal★Mart Store #2369  
Tilton, NH  
Conservation Easement

Dear Mr. Hardy:

I am sending to you the recorded conservation easement. If you should have any questions, please contact me at (501) 277-1963.

Sincerely,

  
Kim Cannon, Assistant to  
Robin Putnam, Realty Manager

/kdc  
enclosure

cc: file

GRANT OF CONSERVATION  
RESTRICTION [LOT 5] [SMALL]

408420

Rodgers Development Company (the "Grantor"), having a mailing address of 843 West Hollis Street, Nashua, New Hampshire 03060, 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 5 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 as follows:

A certain easement in Tilton, Belknap County, New Hampshire beginning at the southwesterly corner of the easement at a point on the southeasterly sideline of proposed Sherwood Drive at Lot 1 as shown on the Plan; thence by said sideline

1. North  $31^{\circ} 51' 04''$  East 31.69 feet to a point of curvature; thence
2. Northerly by a curve to the left having a radius of 325.00 feet, a length of 95.40 feet and a chord bearing North  $23^{\circ} 26' 29''$  East 95.06 feet to a non-tangent point of tangency; thence over Lot 5
3. North  $85^{\circ} 57' 04''$  East 495.45 feet to a point; thence
4. South  $04^{\circ} 02' 56''$  East 110.00 feet to a point at Lot 1; thence by said Lot 1
5. South  $85^{\circ} 57' 04''$  West 557.92 feet to the point of beginning.

All distances being more or less.

Meaning and intending to describe a conservation restriction containing approximately 57,493 square feet (1.320 acres) over a portion of Lot 5.

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:

BK1304 PG0/43

- (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;
- (e) activities permitted under a Compensatory Flood Storage and Drainage Easement entitled "Easement and Agreement" granted by the Grantor to Infinity Sherwood Properties Limited Partnership on or about the date hereof and recorded or to be recorded with the Belknap County Registry of Deeds; and
- (f) the construction, placement, replacement and maintenance of any signage.

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 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 dated December 23, 1987, and recorded with the Belknap County Registry of Deeds at Book 1035, Page 718.

Executed as a sealed instrument this 20<sup>th</sup> day of July, 1994.

RODGERS DEVELOPMENT COMPANY

By: [Signature]  
Its: Mary Rodger

STATE OF NEW HAMPSHIRE  
COUNTY OF Merrimack SS

Then personally appeared before me this 20<sup>th</sup> day of July, 1994, the above-named Mary Rodger, the Manager of Rodgers Development Company and acknowledged the foregoing instrument to be his free act and deed and the free act and deed of Rodgers Development Company.

[Signature]  
Notary Public/Justice of the Peace  
My commission expires: \_\_\_\_\_

RECEIVED  
Rachel M. Normandin  
94 JUL 21 AM 10:39  
REGISTRY OF DEEDS  
BELKNAP COUNTY  
Register

BK1304 1001

Infinity Sherwood Properties Limited Partnership (an  
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 1 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;
- (e) activities permitted under a Compensatory Flood Storage and Drainage

BK1 304 PG0760

Easement entitled "Easement and Agreement" granted by Rodgers Development Company to the Grantor on or about the date hereof and recorded or to be recorded with the Belknap County Registry of Deeds; and

- (f) the construction, placement, replacement and maintenance of any signage.

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.

Executed as a sealed instrument this 19<sup>th</sup> day of July, 1994.

INFINITY SHERWOOD PROPERTIES LIMITED  
PARTNERSHIP

By: INFINITY PROPERTIES LTD.  
Its: CORPORATE GENERAL PARTNER

By: Thomas J. DeMunn  
Its: VICE PRESIDENT

BK1304 PG0761

STATE OF Massachusetts  
COUNTY OF Middlesex

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 of Infinity Sherwood Properties Limited Partnership.

Christine S. Girard

Notary Public/Justice of the Peace

My commission expires: 12/31/97



8K1 304 PG0762

GRANT OF CONSERVATION  
RESTRICTION [LOT 2]

8427

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;

BK1304  
PG0764



- (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.

BK1304 PG0765

Executed as a sealed instrument this 29<sup>th</sup> day of July, 1994.

INFINITY SHERWOOD PROPERTIES LIMITED  
PARTNERSHIP

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

By: Thomas J. Desimone  
Its: VICE PRESIDENT

STATE OF Massachusetts  
COUNTY OF Middlesex, SS

Then personally appeared before me this 19<sup>th</sup> 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. Ryan  
Notary Public/Justice of the Peace  
My commission expires: 2/20/97



BK1304 PG0766

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*  
 JUL 21 AM 10:45

REGISTRY OF DEEDS  
 BELKNAP COUNTY  
*Register*