

DEED OF CONCORD ELECTRIC COMPANY  
TO  
THE STATE OF NEW HAMPSHIRE  
SEWALLS FALLS

Concord Electric Company, a corporation duly organized under the laws of The State of New Hampshire and having its principal place of business in Concord, in the County of Merrimack, The State of New Hampshire, for consideration paid, grants to The State of New Hampshire with quitclaim covenants a tract of land in Concord, New Hampshire together with all structures and improvements thereon with the exception of certain electrical facilities hereinafter specified and certain reserved easement rights hereinafter set forth, upon which is located a dam, canal, power house and other structures and facilities heretofore used by the Grantor for the generation of electricity and known as the Sewalls Falls Hydroelectric Plant, as shown on a plan titled "Property of Concord Electric Company, to be conveyed to The State of New Hampshire, Sewalls Falls, Concord, N H. " dated in October 1969, Scale 1" = 200 feet, and numbered C-3-1065 (the Plan) to be recorded in the Merrimack County Registry of Deeds with this deed, and shall be considered a part of this instrument, bounded and described as follows:

Beginning at a point on the East bank of the Merrimack River, said point being approximately two thousand two hundred sixty (2,260) feet northwesterly from the northwest corner of the east abutment of Sewalls Falls Dam (measured in a straight line) at land now or formerly of David A. Morrill, and thence by the following courses;

1. N 66° 34' E one hundred ninety one and eighty five hundredths (191.85) feet along land now or formerly of said Morrill to a concrete bound;



-2-

2. Thence S 40° 14' E nine hundred ninety eight and ten hundredths (998.10) feet along land now or formerly of said Morrill to a concrete bound,

3. Thence N 59° 57' E two hundred ninety nine and thirty five hundredths (299.35) feet along land now or formerly of said Morrill to a concrete bound located on the westerly line of the right-of-way or location of the Boston and Maine Railroad (White Mountain Division) formerly known as the Boston, Concord and Montreal Railroad,

4. Thence southerly along a curve to the right, said curve being along the westerly line of the right-of-way or location of the Boston and Maine Railroad, two hundred sixty one and sixty-nine hundredths (261.69) feet, said curve having a chord length of two hundred sixty one and fifty-six hundredths (261.56) feet and said chord having a bearing of S 36° 55' 40" E, to a concrete bound,

5. Thence S 24° 35' E five hundred forty two and fifty-four hundredths (542.54) feet along the westerly line of said Boston and Maine Railroad right-of-way or location to a concrete bound,

6. Thence continuing southerly along a curve to the right, said curve being along the westerly line of said Boston and Maine Railroad right-of-way or location one hundred thirty-five and eighty-five hundredths (135.85) feet, said curve having a chord length of one hundred thirty-five and eighty-three hundredths (135.83) feet and said chord having a bearing of S 14° 10' 10" E, to a concrete bound;

7. Thence N 64° 20' E seventeen and sixty-seven hundredths (17.67) feet along the southerly line of said Boston and Maine Railroad right-of-way or location to a concrete bound;

8. Thence S 16° 15' E nine hundred fifty (950) feet along the westerly line of said Boston and Maine Railroad right-of-way or location to a concrete or stone bound,

9. Thence S 73° 45' W approximately three hundred sixty-five (365) feet along other land of Concord Electric Company to the easterly bank of the Merrimack River and thence continuing in the same direction to the centerline of the Merrimack River;

10. Thence downstream along the centerline of the Merrimack River in a southerly, southwesterly and southerly direction to a point in the centerline of the River and in a line having a bearing of S 61° 25' W which line is the line marked A-B on said Plan

numbered C-3-1065: Point A is a stone bound, located eight hundred fifty (850) feet N 61° 25' E of said point on other land of the Concord Electric Company, on the easterly side of the Merrimack River, and point B is an iron pin in a boulder located approximately six hundred ninety five (695) feet, S 61° 25' W from said point, in the old channel of the Merrimack River, said pin also being west of the westerly line of the right-of-way or location of the Boston and Maine Railroad (formerly being the Southern Division of the Northern Railroad).

11. Thence S 61° 25' W approximately two hundred eighty (280) feet to the foot of the slope on the westerly bank of the Merrimack River and thence continuing in the same direction approximately twenty (20) feet to the easterly line of the right-of-way or location of the Boston and Maine Railroad (formerly being the Southern Division of the Northern Railroad)

12. Thence N 5° 34' E approximately two hundred ninety one (291) feet along the easterly line of the right-of-way or location of the Boston and Maine Railroad to a point;

13. Thence northerly along a curve to the left along the easterly line of the right-of-way or location of the Boston and Maine Railroad five hundred two and seventy hundredths (502.70) feet, said curve having a chord length of five hundred two and sixty one hundredths (502.61) feet and said chord having a bearing N 3° 41' 30" E to a point,

14. Thence N 1° 49' E approximately one thousand seven hundred forty-eight and forty hundredths (1,748.40) feet along the easterly line of the right-of-way or location of the Boston and Maine Railroad to a point;

15. Thence northerly along a curve to the left along the easterly line of the right-of-way or location of the Boston and Maine Railroad one thousand five hundred fifteen and forty hundredths (1,515.40) feet, said curve having a chord length of one thousand four hundred ninety eight and forty-two hundredths (1,498.42) feet and said chord having a bearing of N 13° 4' 6" W to a concrete bound;

16. Thence northwesterly along a curve to the left along the easterly line of the right-of-way or location of the Boston and Maine Railroad one thousand one hundred six and ninety-nine hundredths (1,106.99) feet, said curve having a chord length of one thousand one hundred and thirty five hundredths (1,100.35) feet and said chord having a bearing N 38° 49' 36" W to a point,



-4-

17. Thence N 49° 42' W about eight hundred ninety (890) feet along the easterly line of the right-of-way or location of the Boston and Maine Railroad to a concrete bound in the easterly line of the right-of-way or location of Sewalls Falls Road,

18. Thence northeasterly eight hundred four and twenty seven hundredths (804.27) feet along the easterly line of the right-of-way or location of Sewalls Falls Road to a stone bound and thence continuing on the same line approximately fifty (50) feet to the Merrimack River and thence continuing on the same line approximately one hundred seventy (170) feet to the centerline of the Merrimack River;

19. Thence downstream southeasterly, southerly and southeasterly by the centerline of the Merrimack River to the point of intersection of said centerline with the first described boundary line extended westerly;

20. Thence N 66° 34' E approximately two hundred twenty eight (228) feet to the point of beginning.

There is also hereby conveyed all rights of the Grantor whether acquired by deed, prescription or otherwise to flow lands bordering on the Merrimack River to the extent that the same have been flowed by inundation, percolation or otherwise as a result of the maintenance of Sewalls Falls Dam together with flashboards thereon.

There is also hereby conveyed the dam, the power house structure, the building formerly housing steam generating equipment, the storehouses and all other structures, fixtures and property thereon except the following:

1. The 34.5KV transmission line together with its supporting poles, structures and appurtenances as presently constructed which runs through the land hereby conveyed and enters said land on the westerly boundary line at a point about Forty (40) feet southerly from the south line of Second Street extended easterly (Second Street terminates as a public highway at the westerly line of the right-of-way or location of the Northern Railroad) and runs easterly to a transformer bank located northerly of the hydroelectric power house and continues easterly to a point on the easterly bank of the canal running from the dam to said power house and thence turns about a right angle to the right and runs southerly and leaves the tract of land hereby conveyed at the center of the Merrimack

River as shown on said Plan numbered C-3-1065.

2. The 2400 volt 2-wire distribution circuit together with poles, wires and appurtenances as presently constructed which runs through the land hereby conveyed and enters said land from Second Street and thence runs easterly along the northerly side of the access road running from the end of Second Street to the hydroelectric power house, and then turns to the right and crosses under the 34.5 KV transmission line at a point westerly of a 2-pole structure supporting said transmission line and runs in a substantially straight line to and across the Merrimack River leaving the land hereby conveyed at the center of the Merrimack River together with a distribution line tap running therefrom to the hydroelectric power house structure, as shown on said Plan numbered C-3-1065.
3. The distribution circuit with poles, wires and appurtenances as presently constructed which runs through the land hereby conveyed 10 feet southerly from and parallel to the southerly line of Sewalls Falls Road from the right-of-way or location of the Boston and Maine Railroad to and across the Merrimack River.

There is excepted and reserved such title as E. R. Taylor or his successors in title may have in and to the tract of land shown on said Plan C-3-1065, located northerly of Second Street and designated thereon as "E. R. Taylor".

There is excepted and reserved to Public Service Company of New Hampshire and its successors and assigns a transmission line right-of-way One Hundred (100) feet wide which crosses the land hereby conveyed in a southwesterly to northeasterly direction the center line of which is approximately One Thousand Two Hundred Sixty (1,260) feet southeasterly from the concrete bound at the intersection of the easterly line of Sewalls Falls Road and the northeasterly line of the right-of-way or location of Northern Railroad, as conveyed by the Grantor to Public Service Company of New Hampshire by deed dated October 28, 1936, recorded in Merrimack County Registry of Deeds, Book 578, Page 388 together with all property of said Company located thereon; said right-of-way is shown on said Plan numbered C-3-1065.

There is excepted and reserved to the Grantor and its successors and assigns the following rights and easements in the land hereby conveyed:



-6-

- 1 The perpetual right and easement to build, rebuild, maintain and operate an electric distribution line consisting of poles, wires and appurtenances as presently constructed, in and across a strip of land Twenty (20) feet in width the center line of which is Ten (10) feet southerly from and parallel to the southerly line of Sewalls Falls Road, running from the northeasterly line of the Northern Railroad right-of-way or location to the Merrimack River;
- 2 The perpetual right to build, rebuild, maintain, patrol and operate one or more overhead and/or underground lines consisting of poles, wires, structures, cables, ducts, manholes together with foundations, cross-arms, braces, anchors, guys, grounds and appurtenances for transmitting electric current and/or intelligence over, under and across a 150-foot strip of the land hereby conveyed the center line of which is bounded and described as follows: beginning on the easterly line of Sewalls Falls Road at a point Seventy-five (75) feet northerly from the terminus of the seventeenth described boundary line of the land hereby conveyed, thence running southerly Seventy-five (75) feet easterly from and parallel to the easterly line of the right-of-way or location of the Boston and Maine Railroad to a point Seventy-five (75) feet southerly from the southerly line of the right-of-way of Public Service Company of New Hampshire, thence running easterly Seventy-five (75) feet southerly from and parallel to the southerly line of said right-of-way of Public Service Company to the centerline of the Merrimack River;
3. The perpetual right and easement to build, rebuild, maintain, patrol and operate one or more overhead and/or underground lines consisting of poles, wires, structures, cables, ducts, manholes together with foundations, cross-arms, braces, anchors, guys, grounds and appurtenances for transmitting electric current and/or intelligence over, under and across a 150-foot strip of the land hereby conveyed the northerly and easterly line of which is bounded and described as follows: beginning at a point in the easterly line of the right of way or location of the Boston and Maine Railroad (the southern division of Northern Railroad) where a line drawn Seventy five(75) feet northerly from and parallel to the

center line of the Grantor's 34.5 KV transmission line as it runs between steel tower numbered 90 and a 2-pole structure bearing the numbers 91 and 92 as shown on the Plan, extended westerly intersects said easterly line of the right of way or location of the Boston and Maine Railroad; thence running easterly along said line which is Seventy-five (75) feet northerly from and parallel to the center line of the aforesaid portion of the Grantor's 34.5 KV transmission line, a distance of about Four Hundred Seventy-five (475) feet to an iron pipe in the ground which is located about Eighty-five (85) feet northeasterly from said 2-pole structure; thence turning to the right and running southeasterly about Three Hundred Thirty (330) feet to an iron pipe set in the ground near the bank of the Merrimack River which is also located about One Hundred Sixty-six (166) feet southerly from the northwest corner of the power house structure and continuing on the same line to the centerline of the Merrimack River; and for the purpose of further determining the location of said last described line, if it were continued southeasterly in the same direction it would pass through the centerline of a 2-pole structure carrying said 34.5 KV transmission line bearing the Grantor's number 1-1A located at the top of the bluff on the southeasterly bank of the Merrimack River.

For further identification of the strips of land described in the preceding paragraphs numbered 1, 2 and 3, reference is made to said Plan numbered C-3-1065

4. The right to maintain, patrol, operate and rebuild the Grantor's above-described 34.5 KV transmission line in its present location to the extent that it is located outside the 150-foot strip described in paragraph 3 above until such time as the Grantor shall rebuild said 34.5 KV transmission line within the said 150-foot strip at which time this reserved right shall cease and determine
5. With respect to the easements and rights-of-way and other rights reserved to the Grantor and its successors and assigns in the preceding paragraphs numbered 1 through 4 there is also reserved to the Grantor and its successors and assigns (a) the right to enter upon the land hereby conveyed and the rights-of-way hereby



-8-

reserved for the purpose of maintaining, operating, constructing and reconstructing lines for the transmission of electricity and intelligence (b) the right to build, maintain, construct and operate lines of such design, capacity and voltages as may be required in the conduct of its business (c) the right to clear and keep clear each strip of all trees and underbrush by such means as the Grantor may select and to remove all structures or obstructions which are now or hereafter may be found within the limits of said strips and the right to remove from the land hereby conveyed such trees or parts of trees as in the judgment of Grantor may interfere with or endanger existing or future lines of the Grantor built and/or maintained in pursuance of the rights hereby reserved and (d) the right to restrain or prohibit any change in the existing ground levels within the strips described in paragraphs 1, 2 and 3 above under any present or future line by excavation or filling.

The Grantor hereby grants permission to the Governor and Council of The State of New Hampshire to designate the property hereby conveyed by such name as they in their discretion shall determine.


The Company agrees that it will at its own expense on or before May 1, 1970, obtain and deliver to the State a release or discharge of the property conveyed to the State by its said deed of even date herewith, from the lien of its Indenture of Mortgage and Deed of Trust to Old Colony Trust Company, Trustee of Boston, Massachusetts, dated as of July 15, 1958 and a First Supplemental Indenture thereto dated January 15, 1968.

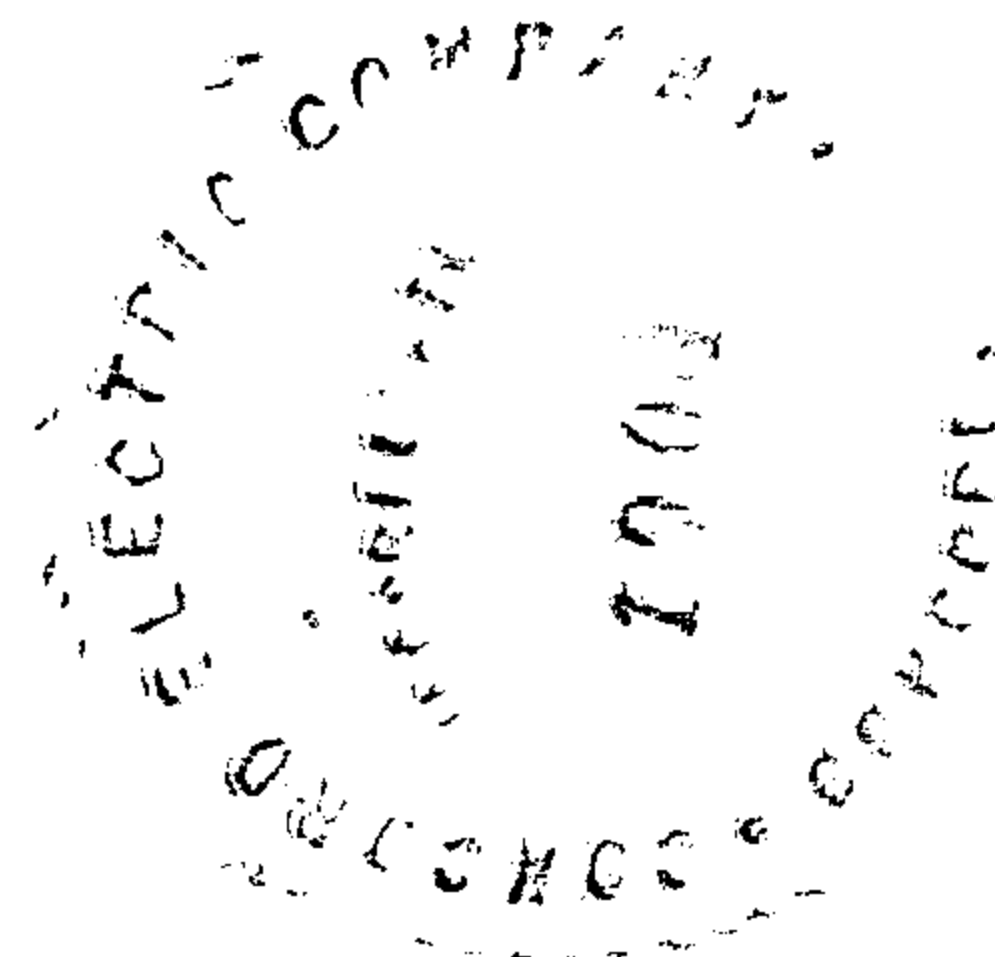
IN WITNESS WHEREOF Concord Electric Company has hereunto caused its corporate name to be subscribed and its seal to be affixed by their officers thereunto duly authorized on December 23, 1969

CONCORD ELECTRIC COMPANY

  
President

Signed, sealed and delivered  
in the presence of

  
Clerk





-9-

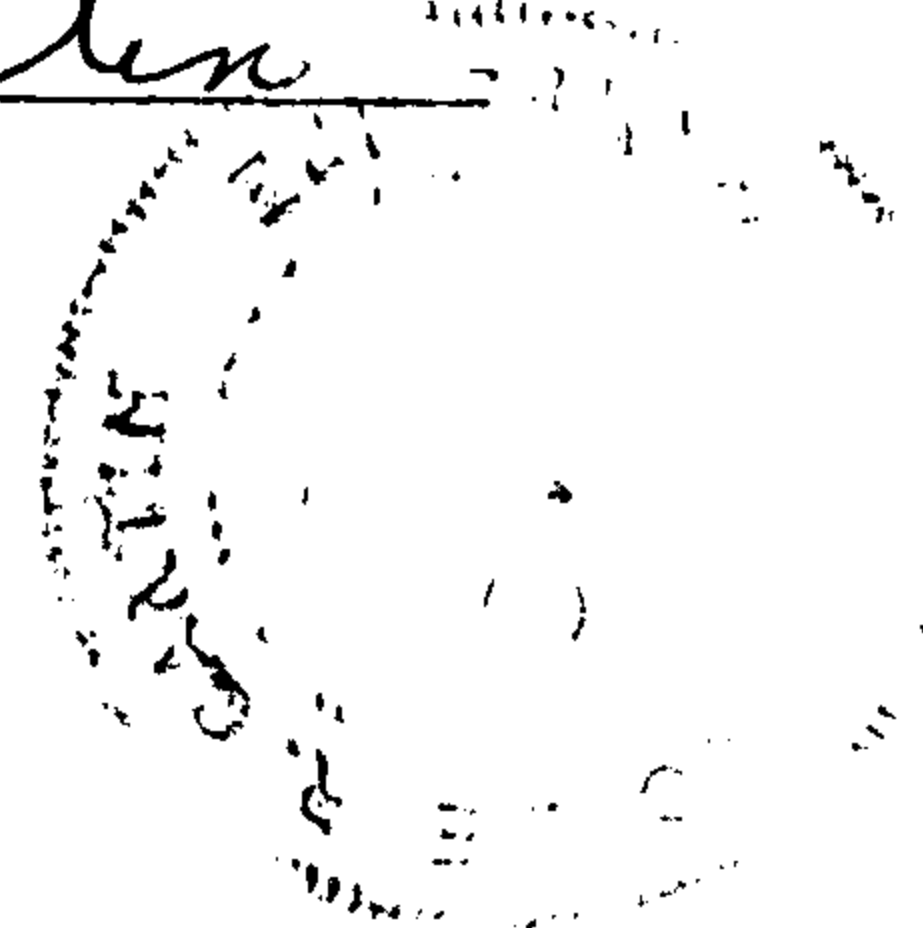
The State of New Hampshire  
Merrimack, ss.

On this 23rd day of December, 1969 before me, the undersigned officer, personally appeared Franklin Hollis of Concord, New Hampshire, known to me to be the person described in the foregoing instrument and acknowledged that he executed said instrument in the capacity therein stated and for the purposes therein contained thereunto being duly authorized by virtue of being President.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal.

Lucille R. Carter  
Notary Public

My Commission expires 7/18/71



CONCORD ELECTRIC COMPANY

C E R T I F I C A T E

The President presented to the meeting a proposed deed from Concord Electric Company to The State of New Hampshire covering the sale by the Company to The State of New Hampshire of the lands and property described in said deed, which consists essentially of all the land owned by the Company on the west side of the Merrimack River extending from Sewalls Falls Road southerly to a point downstream from the old power house and bounded on the west by the Boston and Maine Railroad and all the land owned by the Company on the east side of the River down to a point about five hundred (500) feet southerly from the north face of the east abutment of the Sewalls Falls Dam, together with the Dam, canal, power house structure and other structures and facilities located thereon except certain electric lines and reserving to the Company certain rights of way for lines for the transmission of electricity as set forth in said deed, to be sold to the State for the sum of One Dollar (\$1.00). The President also presented to the meeting an agreement by and between Concord Electric Company and The State of New Hampshire under which the Company will pay to the State the sum of Ten Thousand Dollars (\$10,000) to be used for repairs to and maintenance of the property to be conveyed to the State by the aforesaid deed and under which the State will assume all of the obligations and burdens imposed upon the Company by the Order of the Federal Power Commission issued August 30, 1966, which accepted the surrender of the license issued to the Company by the Federal Power Commission under the Federal Power Act, for the maintenance and operation of its Sewalls Falls hydroelectric generating station. The President further advised the meeting that the New Hampshire Legislature had authorized the acquisition of the property to be conveyed by the said deed by the Company to the State upon the terms and conditions embodied in said deed and said agreement and that, in his opinion and in the opinion of the other officers of the Company, it would be in the best interests of the Company to consummate the transactions contemplated by said deed and said agreement.



- 2 -

After discussion, on motion duly made and seconded, the following vote was unanimously adopted:

VOTED: That the President or any Vice President be and they hereby are and each of them singly is authorized to execute and deliver, in the name of the Company, and to cause the corporate seal to be thereunto affixed the deed and the agreement in the form presented to the meeting subject to such changes, insertions and omissions not substantially at variance with the forms of the deed and the agreement presented to the meeting as may be determined and approved by the officer executing the deed and the agreement on behalf of the Company, such determination and approval to be conclusively evidenced by the execution of said deed and said agreement by said officer.

I, Herbert P. Faber, hereby certify that I am Secretary of the Board of Directors of Concord Electric Company; that the foregoing is a true excerpt from the records of a preamble and vote unanimously adopted at a meeting of the Directors of said Company duly called and held December 18, 1969, at which meeting a quorum was present and acting throughout; and that the said preamble and vote have not since been altered, amended or rescinded.

WITNESS my hand and the seal of said corporation this 18th day of December, 1969.

Herbert P. Faber  
Secretary of the Board of Directors

THE STATE OF NEW HAMPSHIRE

By and through its

In the presence of:

WATER RESOURCES BOARD

Francis C. Moore

George M. McGee Sr.  
Chairman

I, Michael Savchick, Secretary of the Water Resources Board, do hereby certify that at a meeting of the Water Resources Board duly called and held on September 25, 1969, at which a quorum was present and voting throughout, the following resolution was unanimously adopted:

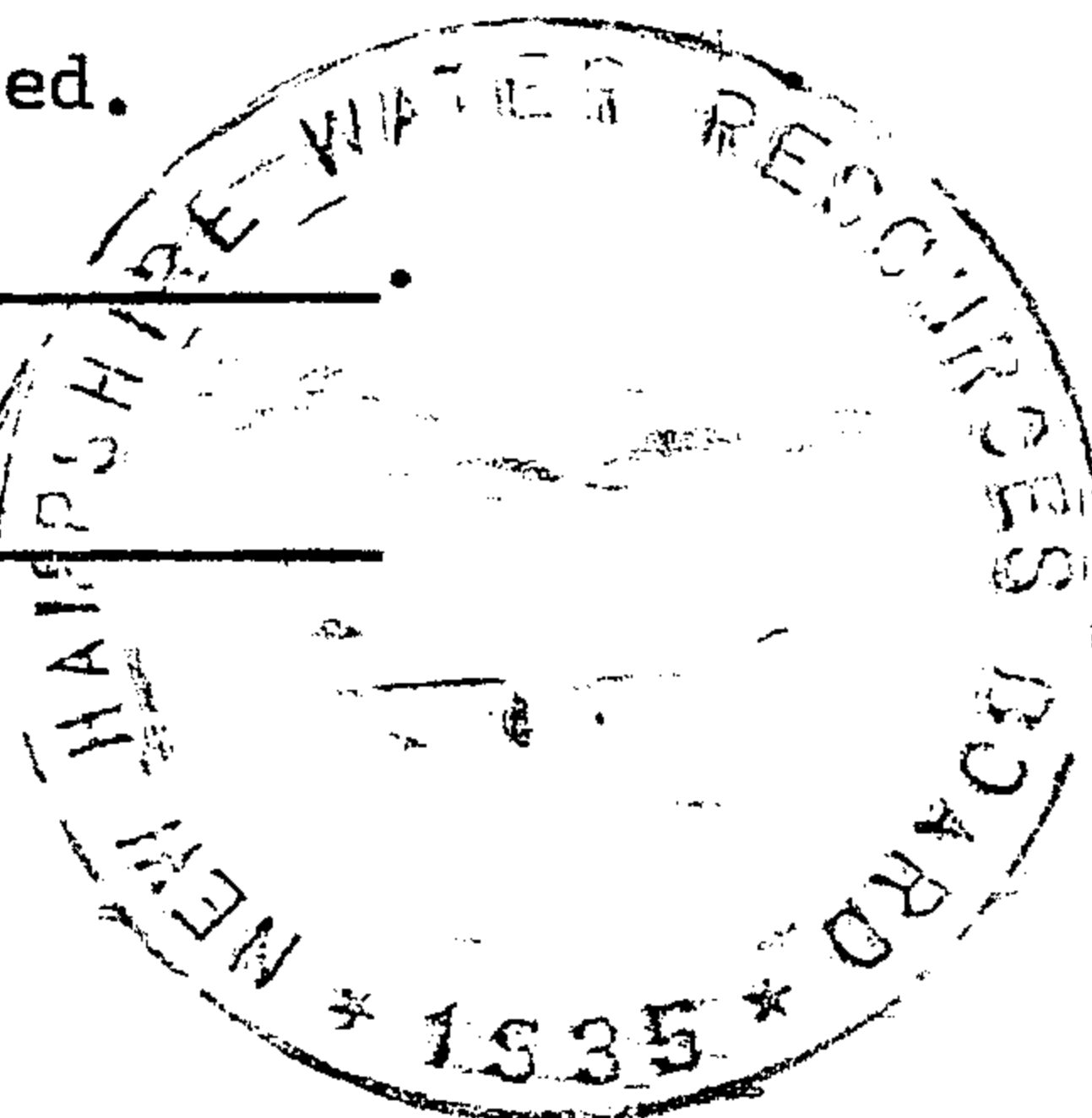
Upon motion made and seconded, it was voted that the Board accept Sewalls Falls dam at such time as the transfer of title, etc., meets the requirements.

MCRD

I further certify that George M. McGee, Sr. is the duly elected and qualified Chairman of the Water Resources Board, and that the foregoing vote is still in full force and effect and has not been altered, amended, supplemented or rescinded.

Dated this 23 day of December

Michael Savchick  
Secretary



Received and recorded Dec. 23, 11-15 A.M. 1969

Kathleen M. Roy, Register



KNOW ALL MEN BY THESE PRESENTS, that Francis J. Faucher and Ora F. Faucher, husband and wife, of Concord in the County of Merrimack and The State of New Hampshire, for consideration of One Dollar (\$1.00) paid, grant to Concord Electric Company, a corporation duly organized under the laws of The State of New Hampshire and having its principal place of business in Concord in the County of Merrimack in said state, its successors, assigns, licensees and permittees, with WARRANTY covenants, the perpetual right and easement to erect, operate and maintain a pole line for the transmission of electric energy and intelligence, including the necessary crossarms, braces and wires, upon and over the Grantors' land on the southerly side of Sewalls Falls Road adjacent to the Merrimack River in Concord, the center line of the pole line to begin at the Grantors' westerly lot line and extend in a general easterly direction approximately one foot southerly of and parallel to the southerly side of Sewalls Falls Road across the front of the Grantors' property, the exact location of the line to become definite upon construction of the same.

There is also hereby conveyed the right to trim and remove from the Grantors' premises such trees or underbrush as in the judgment of the Grantee may interfere with the pole line or endanger the operation or maintenance thereof.

Witness the hands and seals of the Grantors this <sup>29</sup>9<sup>th</sup> day of August, 1958.

Witness:

Robert W. Brown  
Robert W. Brown

Francis J. Faucher  
Ora F. Faucher

The State of New Hampshire  
Merrimack, SS.

On this the <sup>29</sup>29<sup>th</sup> day of August, 1958, before me, Robert W. Brown, the undersigned officer, personally appeared Francis J. Faucher and Ora F. Faucher, known to me to be the persons whose names are subscribed to the within instrument and acknowledged that they executed the same for the purposes therein contained.

In witness whereof I hereunto set my hand.

Robert W. Brown  
Justice of the Peace



August 29<sup>th</sup>, 1958

We hereby assent to the above conveyance in so far as  
our interests may appear.

*Witness*  
*Robert W. Brown*  
*Robert W. Brown*

*Reginald C. Follansbee, Jr.*  
*Beverly A. Follansbee*

On this the 3<sup>rd</sup> day of September, 1958, before me,  
Robert W. Brown, the undersigned officer, personally appeared  
Reginald C. Follansbee, Jr. and Beverly A. Follansbee, known  
to me to be the persons whose names are subscribed to the  
within instrument and acknowledged that they executed the same  
for the purposes therein contained.

In witness whereof I hereunto set my hand.

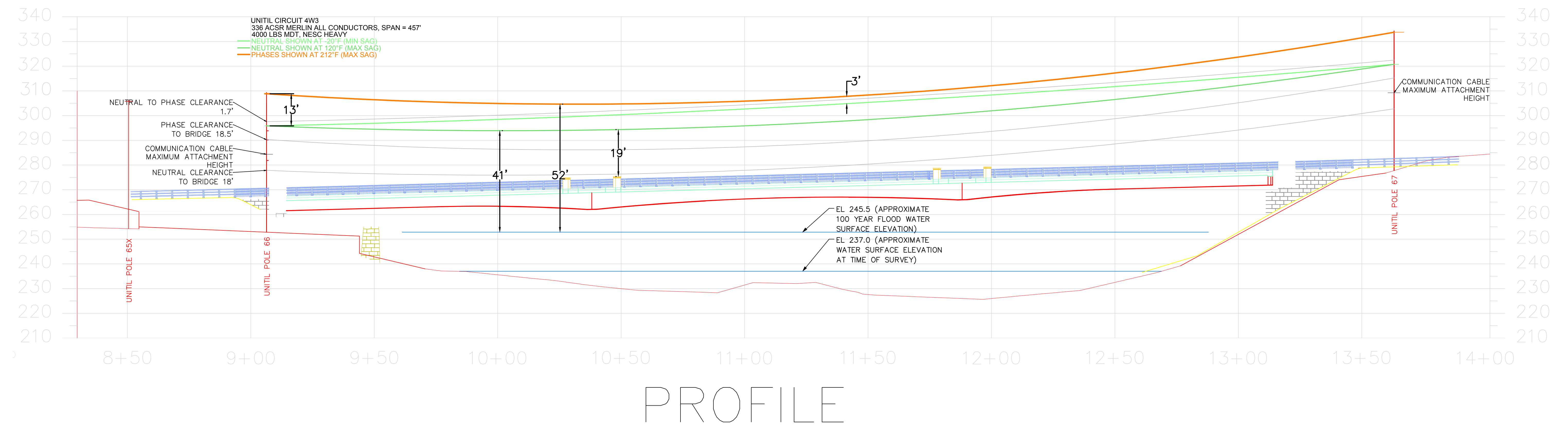
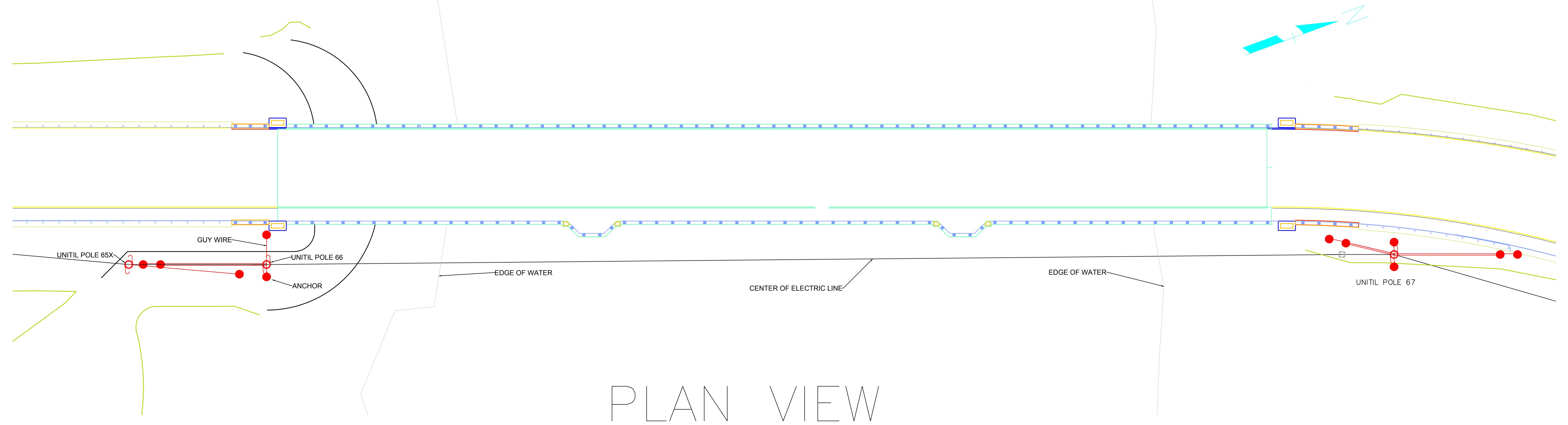
*Robert W. Brown*  
Justice of the Peace

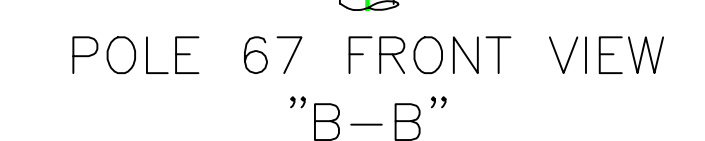
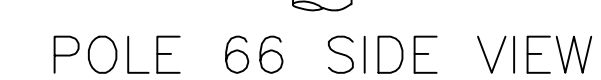
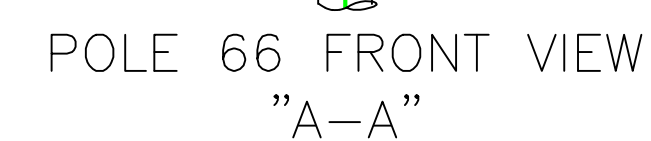
Received and recorded Sept. 4, 3-35 P.M. 1958

*Kathleen M. Roy, Register*

MCRD







- 1: All crossarm and guying bolt/eyebolt hardware shall be  $\frac{3}{4}$ ".
- 2: All guys shall be 7/16" UG. All guy strains shall be 78", 21,000 lbs, with shackles on all guy strains.
- 3: No splices shall be in the river span.

[illegible]

APPROVED  
JJB



DRAWING NO.