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REGISTER OF DEEDS
STAFFORD COUNTY

**STATE OF NEW HAMPSHIRE
BOARD OF TAX AND LAND APPEALS**

Town of Durham

v.

Paul G. Gigley, Winston Gouzoules and David C. Engel
as tenants in common d/b/a Spruce Hole Associates

DECLARATION OF TAKING - A Proceeding in Rem

WHEREAS, the Town of Durham is authorized by New Hampshire RSA 31:92, RSA 38:13, RSA 31:92-a and RSA 38:21 to acquire land for public use in the Town; and

WHEREAS, the governing body of the Town has found that a necessity exists for the condemnation of land for the purpose of protecting the fragile ecological system surrounding Spruce Hole; to expand the municipal water system; eliminate potential pollution; protect a water supply; and to provide recreational opportunities; and

WHEREAS, at a meeting held on the 31st day of July, 1989, the governing body of the Town determined that there was a necessity for acquiring land and that the acquiring of land was for a public purpose; and

WHEREAS, the resolution of the governing body and associated notices and records may be viewed at the office of the municipal clerk; and

WHEREAS, the Town, on the 23rd day of August, 1989, and under the provisions of New Hampshire Revised Statutes Annotated 498-A:4 (II), as amended, served by certified mail, a "NOTICE OF OFFER" for property required for Town purposes in the Town of Durham, a copy of which is filed in the office of the municipal clerk; and

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BK 1482169583

WHEREAS, the "NOTICE OF OFFER" pursuant to RSA 498-A:4 (II), as amended, was made on the 23rd day of August, 1989, and the ten (10) day acceptance period for said offer has expired, and the owner has not accepted said offer; and

WHEREAS, certain property owned by Paul G. Gigley, Winston Gouzoules and David C. Engel as tenants in common d/b/a Spruce Hole Associates in the Town of Durham, County of Strafford, State of New Hampshire, is required for the purpose of protecting the fragile ecological system surrounding Spruce Hole; to expand the municipal water system; eliminate potential pollution; protect a water supply; said premises being located on the northerly side of Packers Falls Road, and more particularly bounded and described as follows:

Beginning on the northeasterly side of Packers Falls Road at a concrete bound at the Durham/Lee Town line and land now or formerly of Henry; thence N 24° 48' 50" E a distance of One Thousand two hundred and ninety-nine hundredths (1200.99) feet to a steel stake at land of the Town of Durham known as "Spruce Hole;" thence by and along land of the said Town of Durham the following courses and distances:

- S 05° 24' E One hundred forty-five and sixty-nine hundredths (145.69) feet;
- S 41° 14' E Sixty-six and forty hundredths (66.40) feet;
- S 26° 52' E One hundred seventy-four and eighty hundredths (174.80) feet;
- S 48° 45' E One hundred seventy-nine and thirty-five hundredths (179.35) feet;
- S 43° 31' E One hundred twenty-five and sixty hundredths (125.60) feet;
- S 57° 21' E One hundred twenty-nine and eighty-nine hundredths (129.89) feet;
- S 81° 40' E One hundred forty-two and five hundredths (142.05) feet;
- N 80° 08' E One hundred forty and ninety-hundredths (140.90) feet;

to land formerly of Edith M. Phair Worthen; thence by and along land of the said Worthen the following courses and distances:

BK 1482160584

S 11° 04' W Two hundred seventeen and
 seventy-two hundredths
 (217.72) feet;
 S 09° 55' W One hundred sixty-nine and
 seventy-six hundredths
 (169.76) feet;
 S 11° 10 1/2' W Three hundred four and
 seventy-five hundredths
 (304.75) feet;
 S 24° 39' W Five hundred twenty-one and
 fifteen hundredths (521.15)
 feet;

to an iron pipe at the said Packers Falls Road;
 thence running on a curve to the right with a
 radius of Eight hundred (800) feet a distance of
 Six hundred fifty-six and forty-nine hundredths
 (656.49) feet; thence continuing by and along
 said Packers Falls Road N 39° 25' W a distance
 of Five hundred twenty-eight and fifty-two
 hundredths (528.52) feet to the point of
 beginning;

and

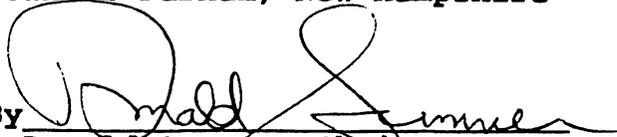
WHEREAS, the Town appraiser has determined the fair
 market value of the property at the time of taking at
 \$430,000, and the Town will deposit this amount in accordance
 with the applicable section of the Eminent Domain Procedure
 Act; and

WHEREAS, the Town requires the title to said property
 in fee simple; and

WHEREAS, the name and residence of the person
 claiming ownership of, or an interest in, said property as
 far as known to the condemnor is as follows: Mr. Paul J.
 Gigley, Mr. Winston Gouzoules and Mr. David C. Engel d/b/a
 Spruce Hole Associates, 125 Madbury Road, Durham, NH 03824.

NOW, THEREFORE, the Town of Durham, pursuant to RSA
 498-A:5, as amended, claims title to the aforesaid property
 in the Town of Durham as of the date this declaration is
 filed, and further claims a right of possession upon
 satisfaction of the procedure prescribed by RSA 498-A:11, as
 amended.

Town of Durham, New Hampshire

By 
 Donald Sumner, Chairman
 Durham Town Council

Date 11/27/89

BK 1482100585