

The within conveyance is a transfer to a New Hampshire Township and pursuant to RSA 78-B:2(I) it is exempt from the New Hampshire Real Estate Transfer Tax

DEED OF CONSERVATION RESTRICTIONS

KNOW ALL MEN BY THESE PRESENTS, that THE NATURE CONSERVANCY, a nonprofit corporation organized under the laws of the District of Columbia and having its principal office at 4245 North Fairfax Drive, Arlington, County of Arlington, Commonwealth of Virginia 22203, and having a New Hampshire Field Office at 22 Bridge Street, 4th Floor, Concord, New Hampshire 03301 ("Grantor"), for consideration paid, grants to THE TOWN OF DURHAM, a municipality with its principal place of business at 15 Newmarket Road, Durham, NH 03824 ("Grantee"), the CONSERVATION RESTRICTIONS described herein with respect to a certain parcel of land situated in the Town of Durham, County of Strafford, State of New Hampshire containing 134 acres, more or less, more particularly described in Exhibit A attached hereto and made a part hereof (the "Property"). Otherwise meaning and intending to describe the same premises conveyed to Grantor by Warranty Deed of Roland Beaudette and Jennlynn Beaudette dated September 15, 2006, recorded in Book 3433, Page 0008.

The conservation restrictions conveyed hereby are as follows, which restrictions shall run with the land and be enforceable as permanent conservation restrictions, as defined in NH RSA 477:45-47, for the benefit of The Town of Durham and its successors and assigns:

The following activities shall be prohibited:

1. the manipulation of water levels and filling or dredging of wetlands, except to restore the Property to its natural condition, to construct permitted roads and trails, and for conservation and wildlife habitat management purposes;
2. (i) the placement or construction of new structures, unless such structures are used solely for conservation, wildlife habitat management and/or outdoor education purposes and are consistent with the purposes stated below, and (ii) the use of any existing structures other than for wildlife habitat management, outdoor recreation and education purposes;
3. the placement or construction of docks or boat launches;
4. the building of trails, except for conservation, wildlife habitat management, outdoor recreation and education purposes; and
5. the building of roads, except for conservation, wildlife habitat management or outdoor education purposes.

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The restrictions set forth herein serve the following purposes:

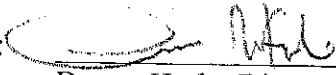
1. Assuring that the Property will be retained in perpetuity in its scenic, forested, wetland and open space condition;
2. Protecting and conserving the native biological diversity of the Great Bay watershed, including any rare plants and animals, exemplary natural communities, wetlands, waterfowl and migratory bird habitat, and other significant wildlife habitats on the Property; and
3. Protecting and conserving the wetlands and forest lands of which the Property consists and of the wildlife habitat thereon.

By conveying this Deed of Conservation Restrictions the Grantor agrees to maintain the Property in its open and undeveloped state and to protect all threatened, rare or endangered species or natural communities found on the Property. The conservation restrictions set forth herein shall burden the Property in perpetuity and shall be binding upon the Grantor and its successors and assigns.

This conveyance is subject to all easements, restrictions, rights, and encumbrances of record and to any facts, rights, interests, or claims that are not shown by the public records.

Executed this 28th day of December, 2006.

THE NATURE CONSERVANCY

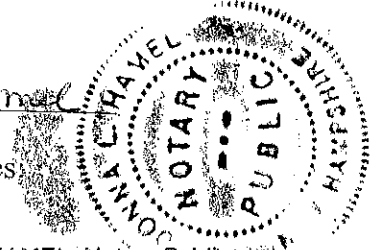
By: 
Duane Hyde, Director of Protection
New Hampshire Chapter

BK 3477PG0168

STATE OF NEW HAMPSHIRE)
COUNTY OF STRAFFORD)


On this ~~25th~~ ^{December} day of ~~September~~, 2006, before me, the undersigned notary public, personally appeared Duane Hyde, Director of Protection of the New Hampshire Chapter of The Nature Conservancy (a corporation), to me personally known or otherwise proved to me through satisfactory evidence of identification to be the person whose name is signed on the preceding document, and acknowledged to me that he signed such document voluntarily for its stated purpose.

Donna L. Hamel
Notary Public
My Commission Expires



DONNA L. HAMEL, Notary Public
Justice of the Peace
My Commission Expires August 23, 2011

ACCEPTED BY THE TOWN OF DURHAM:

By: 
Name: Todd Selig
Title: Town Administrator

Date: September ^{15TH}, 2006

BK 3477PG0169

EXHIBIT A
Property Description

A certain parcel of land, situated on the northerly side of Bennett Road, in the Town of Durham, Strafford County, New Hampshire containing 133.829 acres, more or less, and more particularly described as follows:

Beginning at the southeast corner of the parcel on the northerly sideline of Bennett Road at a drill hole set, also being the southwest corner of Tax Map 15, Lot 7-1 (15,7-1), land now or formerly of the Heirs of Bertha Moriarty; thence along said northerly sideline of Bennett Road the following seven courses:

South 82°09'40" West 219.37 feet to a point of curvature; thence Westerly by a curve to the left having a radius of 788.98 feet, a length of 328.08 feet, and a delta angle of 23°49'30" to a point of tangency; thence South 58°20'10" West 538.80 feet to a stone wall; thence South 62°13'17" West 73.58 feet to a drill hole set; thence South 66°32'02" West 183.89 feet to a drill hole set; thence South 69°33'55" West 80.66 feet to a drill hole set; thence South 68°03'20" West 168.95 feet to a drill hole set in a stone wall corner, and the easterly line of Tax Map 15, Lot 5-0, now or formerly William and Jill Lockhardt, III.

Thence by a stone wall and said Lockhardt, the following seven courses; North 34°44'29" West 236.90 feet to a drill hole set; thence North 38°51'24" West 48.30 feet to a drill hole set; thence North 21°56'24" West 26.96 feet to a drill hole set; thence North 34°09'34" West 24.80 feet to a drill hole set; thence North 41°30'47" West 30.50 feet to a drill hole set; thence North 14°48'05" East 2.44 feet to a drill hole set; thence North 24°26'43" West 41.64 feet to a drill hole set at Tax Map 15, Lot 4-2, now or formerly Bradford and Mary Gregg.

Thence by stone wall and said Gregg the following two courses: North 24°08'12" West 216.07 feet to a drill hole set; thence North 24°06'31" West 161.93 feet to a drill hole found at the corner of a stone wall; thence by said stone wall and said Gregg and Tax Map 15, Lot 3-0, now or formerly Ann G. Knightly Revocable Trust.

Thence South 77°10'51" West 408.65 feet to a drill hole set at the end of a stone wall; thence by said Knightly.

Thence South 75°20'35" West 15.91 feet to an iron fence post found; thence westerly and southerly along wire fence and Tax Map 15, Lot 2-2 now or formerly of Roger and Kathleen Blinn the following nine courses: South 77°03'34" West 125.69 feet; thence South 81°17'42" West 92.49 feet; thence South 74°06'59" West 122.04 feet; thence South 82°24'10" West 60.38 feet to a rebar and cap set at the northeasterly corner of the said Blinn land; thence South 14°04'56" West 61.76 feet; thence South 18°15'28" West 125.41 feet; thence South 13°09'03" West 48.05 feet; thence South 17°08'05" West 12.98 feet; thence South 00°19'04" West 132.66 feet to a drill hole found at the end of a stone wall at Tax Map 15, Lot 2-1, now or formerly Michael and Terri May.

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Thence by stone wall and wire fence and said May the following eight courses: South 00°01'52" East 77.70 feet along the stone wall to a drill hole found; thence South 08°08'01" West 16.89 feet; thence South 12°51'20" West 86.39 feet; thence South 03°57'32" West 75.49 feet; thence South 03°15'45" East 27.53 feet to a drill hole found at the end of a stone wall; thence South 06°02'40" East 36.88 feet to a drill hole found at the end of a stone wall; thence South 04°50'26" East 39.63 feet to a drill hole set at the end of a stone wall; thence South 08°32'07" East 13.82 feet to a drill hole set in a stone wall at the northerly sideline of said Bennett Road.

Thence along the northerly sideline of said Bennett Road the following seven courses: Westerly by a curve to the right having a radius of 235.25 feet, a length of 203.13 feet, and a delta angle of 49°28'19" to a point of tangency; thence North 59°11'56" West 68.36 feet; thence North 55°23'57" West 446.03 feet to a point of curvature, and Westerly by a curve to the left having a radius of 300.00 feet, a length of 33.25 feet and a delta angle of 06°21'00" to a point; North 28°15'03" East 10.17 feet to a drill hole set at the end of a stone wall, and along said stone wall; thence North 52°07'54" West 90.98 feet to a drill hole set along said stone wall; thence South 80°50'57" West 57.34 feet to a point.

Thence South 70°42'45" West 45.92 feet to a rebar and cap set at the lands of the Boston and Maine Railroad Company; thence along the said Boston and Maine Railroad the following two courses: South 85°02'00" West 90.36 feet to a rebar and cap set; thence North 10°35'00" East 305.80 feet to the lands of Public Service Company of New Hampshire.

Thence along the lands of the said Public Service Company of New Hampshire the following three courses: South 79°25'00" East for a combined distance of 98.14 feet to a point; thence North 10°37'45" East for a combined distance of 175.00 feet to an iron pin with cap set; thence North 79°22'15" West for a combined distance of 98.28 feet to a point at the lands of the said Boston and Maine Railroad.

Thence along said Boston and Maine Railroad North 10°35'00" East 935.96 feet to a drill hole set in a stone wall at the southwesterly corner of the lands now or formerly of the University of New Hampshire.

Thence along the lands of the said University of New Hampshire the following fifteen courses: North 76°10'25" East 183.82 feet to a drill hole set; thence North 76°55'00" East 116.56 feet to a drill hole set; thence North 76°11'03" East 121.37 feet to a drill hole set; thence North 74°21'57" East 53.85 feet to a drill hole set at the end of a stone wall; thence North 75°23'18" East 263.51 feet to a concrete bound found; thence North 53°21'55" East 212.41 feet to a point; thence North 50°55'05" East 736.38 feet to a Mag Nail set in the root of a thirty-six inch pine at a stone wall corner; thence North 50°50'02" East 175.60 feet along the said stone wall to a drill hole set; thence South 76°19'02" East 408.26 feet to a concrete bound found; thence North 69°52'29" East 115.78 feet to point; thence North 70°40'30" East 113.99 feet to a point; thence North 70°32'42" East 114.92 feet to a point; thence North 66°41'21" East 61.56 feet to a point; thence North 65°36'32" East 293.91 feet to a point; thence North 65°01'26" East 77.15 feet to a drill hole set in a stone wall.

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Thence along said stone wall and the easterly line of the Heirs of Bertha Moriarty, Tax Map 15, Lot 7-1 the following twenty courses: South 19°34'32" East 157.77 feet to a drill hole set; thence South 18°32'25" East 171.63 feet to a drill hole set; thence South 18°59'07" East 146.85 feet to a drill hole set; thence South 18°46'35" East 204.72 feet to a drill hole set; thence South 17°34'01" East 69.32 feet to a drill hole set; thence South 21°21'46" East 84.13 feet to a drill hole set; thence South 19°01'40" East 122.32 feet to a drill hole set at the end of a stone wall; thence South 18°00'01" East 199.75 feet to a drill hole set at the end of a stone wall; thence South 16°24'41" East 29.62 feet to a drill hole set at a stone wall corner; thence South 13°27'51" East 183.90 feet to a drill hole set in a large ledge outcropping at the end of a stone wall; thence along said stone wall South 41°37'30" East 139.99 feet to a drill hole set; thence South 36°21'27" East 129.61 feet to a drill hole set; thence South 33°28'00" West 30.55 feet to a drill hole set; thence South 03°50'13" East 144.44 feet to a drill hole set at a bar way; thence across said bar way to a drill hole set; thence South 40°26'44" West 10.16 feet to a drill hole set, thence along a stone wall South 23°46'55" West 16.80 feet to a drill hole set; thence South 15°02'17" East 99.53 feet to a drill hole set at the end of a stone wall; thence South 17°33'21" East 70.91 feet to a drill hole set at the end of said stone wall; thence South 19°40'30" East 25.02 feet to a drill hole set at the end of a stone wall; thence South 16°56'04" East 88.91 feet to a drill hole set and the point of beginning of the herein described parcel.

Said parcel contains 133.829 acres, more or less.

For a more particular description see plan entitled, "Boundary Plan – The Nature Conservancy – Bennett Road – Durham, NH", scale 1" = 200', dated August 18, 2006, by Beals Associates PLLC.

Meaning and intending to describe and convey a conservation restriction on the premises acquired by warranty deed to The Nature Conservancy from Roland D. Beaudette, Sr. and Jennylyn Warner Beaudette recorded herewith.

The above premises are subject to potential flowage rights, if any, vested in the "Newmarket Manufacturing Company"; rights, if any, vested in the Portsmouth Power Company to maintain poles; and rights vested in Roland D. Beaudette, Sr. and Jennylyn Warner Beaudette (F/K/A Jennylyn Warner) as more particularly described in the aforementioned Deed.

EX 3477960172