

**MEMORANDUM OF AGREEMENT**

This Memorandum of Agreement is voluntarily entered into on this 21<sup>st</sup> day of July, 2015 by and between the City of Dover, 288 Central Avenue, Dover, N.H. 03820 (the "City") and First Street at Garrison, LLC and Riparia-One Hundred First Street, LLC (the "Licensees"), both of 466 Central Ave. Suite 12, Dover, N.H. 03820, collectively known as the "Parties," for the purpose of implementing a resolution approved by the Dover City Council on July 15, 2015 regarding certain parking spaces on First Street in Dover, New Hampshire.

WHEREAS: The City is the owner of a certain right-of-way in the City of Dover known as First Street; and

WHEREAS: The City entered a License Agreement dated July 17, 2014 (the "License") with the Licensees and recorded at the Strafford County Registry of Deeds at Book 4228, Page 710, regarding the parking of vehicles in certain areas on First Street by the Licensees pursuant to a plan to develop Licensees' land off of First Street; and

WHEREAS: In the License, a section entitled "LICENSE", Paragraph 1. License is broken down into two parking areas referred to as License Area "A" and License Area "B"; and

WHEREAS: An area located in License Area "A" has historically been designated by the City as a loading zone outside the premises now occupied by Ear Craft Music, and the owners of Ear Craft Music, Brian and Stephanie Fisher, have requested that a loading zone remain; and

WHEREAS: The City has the right to designate and or remove loading zones within and/or upon public rights of way within the City of Dover; and

WHEREAS: Under the License, the City has the right to terminate the License in whole or in part, subject to certain conditions; and

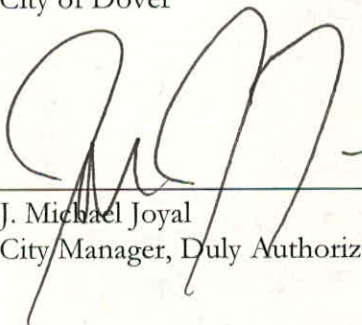
WHEREAS: The City and the Licensees desire to enter into this Memorandum of Agreement regarding the use of two parking spaces in License Area "A" as a loading zone for downtown businesses during normal business hours, Monday through Friday; and

NOW THEREFORE, the Parties agree as follows:

- Two parking spaces on First Street shall be available as a public loading zone Monday-Friday, 9 a.m. to 5 p.m., throughout the year in the location adjacent to the existing rear entrance of Ear Craft Music in License Area "A," as depicted on the "Easement and License Plan" attached hereto as Exhibit "A" – the City and the Licensees to work cooperatively to specifically designate said public loading zone during the Licensees' construction on First Street;
- Vehicles no larger than a standard size box truck shall be permitted to use the loading zone comprised of the two parking spaces in License Area "A" due to weight restrictions necessitated by the underlying heating system;

- The City shall provide an additional public loading zone for downtown businesses along the sidewalk area on the northerly side of First Street opposite License Area "A" and the existing rear entrance of Ear Craft Music without time of day and vehicle size restrictions (see Exhibit "A") – the Licensees shall have no responsibilities regarding this additional public loading zone;
- The Licensees, subject to approval of the City through the City Manager or designee, shall install signage indicating the use of the two spaces in License Area "A" as a public loading zone consistent with the provisions above;
- The City shall provide the Licensees with permits for use of two additional parking spaces on the northerly side of First Street, in or around License Area "B" as set forth in the License, opposite the entrance to the Licensees' property, without charge and consistent with the terms of the License, for only so long as the Memorandum of Agreement remains in place; and
- The Memorandum of Agreement shall terminate, and the loading zone in License Area "A" shall cease, upon the sale or transfer of the building and/or parcel known as Tax Map 6-1, or a portion thereof, currently used and occupied as/by Ear Craft Music, by Brian and Stephanie Fisher to any person or entity wherein Brian and/or Stephanie Fisher are not the principal owner(s); and
- The City shall not waive any of its rights under the License, including the right of termination, by entering into the Memorandum of Agreement.
- Should the Licensees assign their interest in the License consistent with the terms of the License while this Memorandum of Agreement is still in effect, it shall ensure that the Assignee(s) takes/assumes said License subject to the terms of this Memorandum of Agreement.

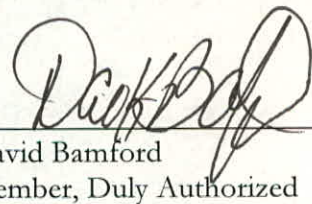
City of Dover




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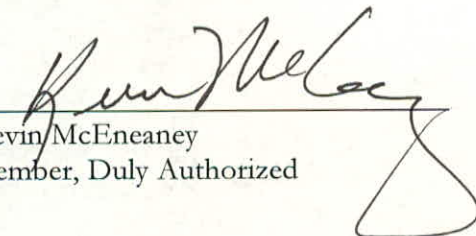
J. Michael Joyal  
City Manager, Duly Authorized

First Street at Garrison, LLC and  
Riparia-One Hundred First Street, LLC




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David Bamford  
Member, Duly Authorized

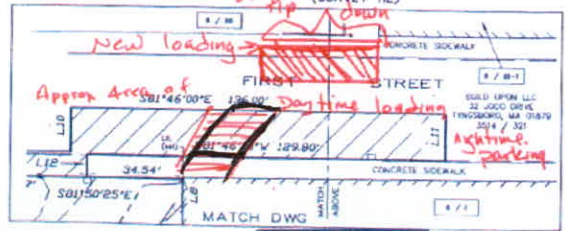
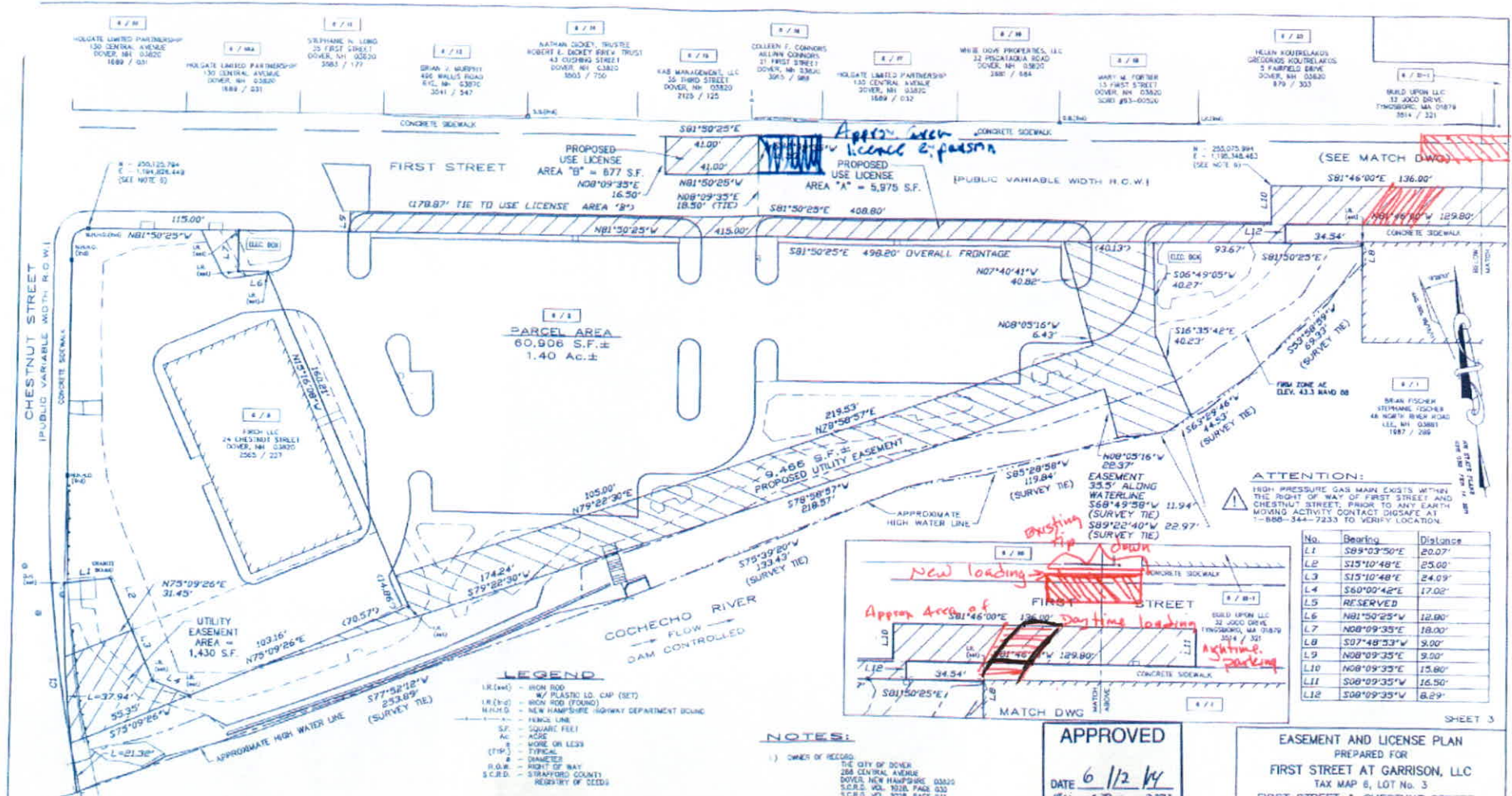



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Kevin McEneaney  
Member, Duly Authorized



Exhibit "A"



No.	Central Angle	Radius	Arc Length	Chord Length	Chord Bearing
CI	09°12'55"	572.00	92.00	91.92	N03°40'20"E

No.	Date	Description	By	Check
3	5/1/14	REVIEW PER PLANNING BOARD (CONSIDERATION OF APPROVAL)	RJM	KJM
7	2/27/14	REVIEW PER PLANNING DEPT. COMMENTS	RJM	KJM
7	3/20/14	REVIEW PER THE REVIEW AND COMMENT	RJM	KJM

No.	Date	Revision
13-1924		EASEMENT
PROJECT NO.		TYPE
		FIELDBOOK & PAGES

- REFERENCE PLANS:**
- DISPOSITION PLAN OF LAND - THE CITY OF DOVER - PARCEL M.J./1, PARCEL P.J./1 - DOWNTOWN DOVER NO. 1 URBAN GENERAL PROJECT, DOVER, NEW HAMPSHIRE, SCALE: 1" = 20', DATED: APRIL 26, 1972, BY: METCALF & LODI, INC. RECORDED RECORD PLAN 19-42.
  - DISPOSITION PLAN OF LAND - PARCEL C.J./1 - DOWNTOWN DOVER NO. 1 URBAN GENERAL PROJECT, DOVER, NEW HAMPSHIRE, SCALE: 1" = 20', DATED: JULY 18, 1972, BY: METCALF & LODI, INC. RECORDED RECORD PLAN 18-52.
  - EXISTING CONDITIONS PLAN OF LAND PREPARED FOR CITY OF DOVER, NH, PROPERTY KNOWN AS THE FIRST STREET PARKING LOT, TAX MAP 6, LOT NO. 3, FIRST STREET & CHESTNUT STREET, CITY OF DOVER, COUNTY OF STRAFFORD, STATE OF NEW HAMPSHIRE, SCALE: 1" = 20', DATED: MAY 15, 2013, BY: MCKENNEY SURVEY ASSOCIATES, INC. NOT RECORDED.
  - PLAN OF LAND PREPARED FOR CITY OF DOVER, NH, PROPERTY KNOWN AS THE FIRST STREET PARKING LOT, TAX MAP 6, LOT NO. 3, FIRST STREET & CHESTNUT STREET, CITY OF DOVER, COUNTY OF STRAFFORD, STATE OF NEW HAMPSHIRE, SCALE: 1" = 20', DATED: MAY 14, 2013, BY: MCKENNEY SURVEY ASSOCIATES, INC. NOT RECORDED.

**NOTES:**

- OWNER OF RECORD: THE CITY OF DOVER, 288 CENTRAL AVENUE, DOVER, NEW HAMPSHIRE 03820, S.C.R.D. VOL. 1028, PAGE 032, S.C.R.D. VOL. 1028, PAGE 033.
- NOTED TAX MAP AND PARCEL NUMBER: [Symbol]
- ZONING DISTRICT: CENTRAL BUSINESS DISTRICT (CBD)
- THE INTENT OF THIS PLAN IS TO SHOW TWO (2) PROPOSED EASEMENTS AND TWO (2) PROPOSED USE LICENSE AREAS WHICH WILL AFFECT THE SUBJECT PARCEL AND THE FIRST STREET RIGHT-OF-WAY.
- THE SUBJECT PARCEL IS LOCATED WITHIN THE SPECIAL FLOOD HAZARD AREAS (SFHAs) SUBJECT TO REGULATION BY THE 1 PERCENT ANNUAL CHANCE FLOOD, ZONE A (BASE FLOOD ELEVATION DETERMINED), AND AREAS DETERMINED TO BE INSIDE THE 0.2 PERCENT ANNUAL CHANCE FLOOD PLAN, AS SHOWN ON FLOOD INSURANCE RATE MAP, COMMUNITY NUMBER 33015, PANELS 0210 & 0202, SUFFIX 2, MAP NUMBER 330702100 & 330702020, EFFECTIVE DATE: MAY 11, 2005.
- DATE OF BEARINGS IS NH STATE PLANE GRID FROM GPS OBSERVATION TAKEN ON FEBRUARY 14, 2011. VERTICAL DATUM IS NAVD83.

**APPROVED**  
 DATE: 6/12/14  
 City of Dover, NH  
 PLANNING BOARD

**EASEMENT AND LICENSE PLAN**  
 PREPARED FOR  
**FIRST STREET AT GARRISON, LLC**  
 TAX MAP 6, LOT NO. 3  
**FIRST STREET & CHESTNUT STREET**  
 CITY OF DOVER  
 COUNTY OF STRAFFORD  
 STATE OF NEW HAMPSHIRE

DRAWN BY: RJM	FILE: W:\01\132413-1024-10
SCALE: 1" = 20'	DATE: JANUARY 3, 2014



DOVER PLANNING FILE No. P 14-03

SURVEYING - PLANNING - CONSULTING

*[Handwritten signatures]*