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TOWN OF NOTTINGHAM

030004

AGREEMENT BETWEEN
THE TOWN OF NOTTINGHAM AND THE STATE OF NEW HAMPSHIRE
REGARDING 229 MILL POND ROAD, NOTTINGHAM, NEW HAMPSHIRE

The undersigned representatives of the Town of Nottingham and the State of New Hampshire, being duly authorized, in consideration of mutual covenants, agree as follows:

WHEREAS, the Town of Nottingham has taken by tax deed the property known as 229 Mill Pond Road, Nottingham, New Hampshire, formerly owned by Hong Don Lee, and

WHEREAS, the March 2012 Nottingham Town Meeting authorized the acquisition of 229 Mill Pond Road on a permanent basis by the Town of Nottingham for public purposes pursuant to RSA 80:42-a, and

WHEREAS, the State of New Hampshire brought an administrative action against Hong Don Lee for hazardous waste and solid waste violations on 229 Mill Pond Road, Administrative Order No. WMD 02-005, imposed a fine of \$6,100 upon him, Decision on Administrative Fine No. AF 02-010, and incurred \$3,872.54 in cleanup costs, and

WHEREAS, the State of New Hampshire brought a civil action against Hong Don Lee to enforce the administrative actions and to obtain additional civil penalties, State of New Hampshire v. Hong Don Lee, No. 218-2003-EQ-00573, and

WHEREAS, the State of New Hampshire secured the approved Proposed Decree in the civil action, which included \$175,000 in civil penalties, by filing the Decree in the Rockingham County Registry of Deeds at Book 5006, Page 1548.

NOW THEREFORE, the parties agree that:

1. The Town of Nottingham shall pay the State of New Hampshire the sum of \$9,927.54, representing the administrative fine of \$6,100 and the cleanup costs of \$3,827.54 relative to the environmental violations on 229 Mill Pond Road.
2. The Town of Nottingham shall retain the premises in perpetuity and agrees to use said property for public purposes only, in accordance with RSA 80:42-a.

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ROCKINGHAM COUNTY
REGISTRY OF DEEDS

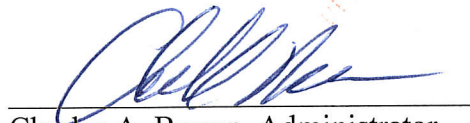
3. The State of New Hampshire shall release any claim it may have upon 229 Mill Pond Road arising out of the administrative and civil actions brought against Hong Don Lee, provided that the Town of Nottingham retains ownership of said property.

4. This Agreement does not otherwise limit the rights of the State of New Hampshire to enforce the approved Proposed Decree in the civil action against Hong Don Lee, including payment of the \$175,000 in civil penalties.

5. This Agreement shall be recorded at the Rockingham County Registry of Deeds.

Witness our hands and seals this 3rd day of June, 2013.

TOWN OF NOTTINGHAM



Charles A. Brown, Administrator
Town of Nottingham
PO Box 114
Nottingham, NH 03290
(603) 679-5022

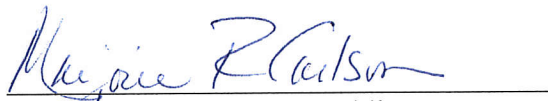
STATE OF NEW HAMPSHIRE



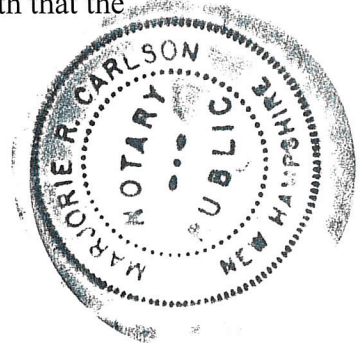
Philip B. Bradley, Asst. Attorney General
Office of the Attorney General
33 Capitol Street
Concord, NH 03301
(603) 271-3679

STATE OF NEW HAMPSHIRE
COUNTY OF ROCKINGHAM

Signed and sworn to before me by Charles A. Brown, duly authorized representative of the Town of Nottingham the 3rd day of June, 2013, and took oath that the statements set forth herein are true to the best of his knowledge and belief.

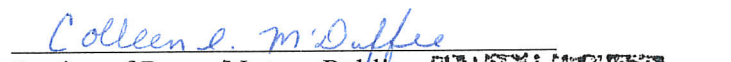


Justice of Peace/Notary Public
My Commission Expires: 1/27/2015



STATE OF NEW HAMPSHIRE
COUNTY OF MERRIMACK

Signed and sworn to before me by Philip B. Bradley, duly authorized representative of the State of New Hampshire, this 29th day of May, 2013, and took oath that the statements set forth herein are true to the best of his knowledge and belief.



Justice of Peace/Notary Public
My Commission Expires: April 15, 2014

