

Town of Stratford

1956 US Rt. 3, PO Box 366, Stratford, NH 03590

(603) 922-5533

stratfordnh@gmail.com

ACKNOWLEDGEMENT OF THE LIMITS OF MUNICIPAL RESPONSIBILITY AND LIABILITY FOR CHOOSE ONE : CLASS VI HIGHWAY OR PRIVATE HIGHWAY IN CONNECTION WITH A BUILDING PERMIT APPLICATION PURSUANT TO CHOOSE ONE: RSA 674:41,I(C)(2)&(3) [CLASS VI] OR 674:I(D)(2) & (3) [PRIVATE ROAD]

NOW COMES, _____, (hereinafter referred to as "OWNER") of _____ and the TOWN OF STRATFORD (hereinafter referred to as "TOWN"), a municipal corporation existing under the laws of the State of New Hampshire, and agree as follows:

WHEREAS, OWNER possesses certain real property fronting on _____ as stated in deed recorded at Book _____, Page _____ at the Coos County Registry of Deeds, and as identified on the TOWN Property Tax Map No. _____ as Lot No. _____; and

WHEREAS, the relevant portion of said _____ upon which the OWNER's real property fronts is a CHOOSE ONE: Class VI road as defined in RSA 229:5, VII or Private road; and

WHEREAS, the Town of Stratford Select Board, on June 10, 2019, adopted a policy pursuant to RSA 674:41, I(c) (or I(d) in case of private road) permitting buildings upon _____;

WHEREAS, said OWNER's construction shall also comply with all other applicable Regulations and Ordinances; and

WHEREAS, the TOWN and OWNER on behalf of themselves, their heirs, legal representatives, successors and assigns, covenant and agree as follows:

1. The TOWN shall allow OWNER to construct a _____ on the OWNER's property on _____ Road; and
2. The TOWN neither assumes responsibility for maintenance, including snow plowing, nor liability for any damages resulting from the use of _____ Road; and

Adopted: June 10, 2019

3. OWNER agrees that at his/her/their expense or at the expense of themselves and other owners of property similarly located on _____ Road shall be responsible for maintaining access to the subject property in good and passable condition in a manner consistent with the requirements of the Town's Select Board and the Town's Fire Chief; and
4. That OWNER does hereby acknowledge that, pursuant to State statutes including but not limited to RSA 674:41, I(c)(2) (or I(d)(2) for private roads) and RSA 231:93, the TOWN, its officers, agents, and employees shall not assume any responsibility nor legal obligation for maintaining _____ Road and are not, as well as shall not be, liable under any claim of any nature, whether in tort or otherwise, which OWNER might have against the TOWN for any loss or damage, arising out of the condition of the ***CHOOSE ONE***: Class VI/Private roadway or the TOWN's lack of responsibility for construction or maintenance of said roadway, including any claim grounded in the TOWN's failure to provide municipal services, including police, fire, ambulance and/or other emergency response services, resulting from the condition or lack of maintenance of the said roadway; and
5. That _____ Road remains a public highway and OWNER shall not act to prohibit public use. The TOWN retains full authority to regulate the public use of the highway pursuant to RSA 41:11, including use by OWNER and the erection by the TOWN of unlocked gates or bars, as provided by RSA 231:21; and
6. That OWNER assumes any and all responsibility for transporting any children to the nearest regular school bus stop; and
7. That OWNER assumes any and all responsibility for transporting any rubbish to the nearest point of the regular rubbish collection route; and
8. That this Acknowledgment is signed and executed by the OWNER as a condition to the approval to construct said building as provided by the TOWN and this document shall be recorded in the Coos County Registry of Deeds and within OWNER's chain of title concerning the subject property from which said Acknowledgment shall be binding upon the OWNER as well as all heirs, executors, administrators, successor and/or assigns.

EXECUTED this _____ day of _____.

OWNER

STATE ON NEW HAMPSHIRE
COUNTY OF COOS, SS

On this _____ day of _____, _____, before me,
_____, the undersigned officer, personally appeared _____,
known to me (or satisfactorily proven) to be the person whose name is subscribed to the within
instrument and acknowledged that he/she/they executed the same for the purposes therein
contained. In witness whereof, I hereunto set my hand and official seal.

Notary Public/Justice of the Peace
My Commission Expires: _____

TOWN OF STRATFORD BOARD OF SELECTMEN

Clayton Macdonald, Chairman

Charles V. Goulet, Selectman

Harry R. Juergens, Selectman

Adopted: June 10, 2019

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NOW COMES, Insert Owner's Name, (hereinafter referred to as "OWNER") of Insert Address of Owner and the TOWN OF STRATFORD (hereinafter referred to as "TOWN"), a municipal corporation existing under the laws of the State of New Hampshire, and agree as follows:

WHEREAS, OWNER possesses certain real property fronting on Insert Name of Road as stated in deed recorded at Book _____, Page _____ at the Coos County Registry of Deeds, and as identified on the TOWN Property Tax Map No. _____ as Lot No. _____; and

WHEREAS, the relevant portion of said Insert Name of Road upon which the OWNER's real property fronts is a CHOOSE ONE: Class VI road as defined in RSA 229:5, VII or Private road; and

WHEREAS, the Town of Stratford Select Board, on June 10, 2019, adopted a policy pursuant to RSA 674:41, I(c) (or I(d) in case of private road) permitting buildings upon Insert Name of Road;

WHEREAS, said OWNER's construction shall also comply with all other applicable Regulations and Ordinances; and

WHEREAS, the TOWN and OWNER on behalf of themselves, their heirs, legal representatives, successors and assigns, covenant and agree as follows:

1. The TOWN shall allow OWNER to construct a Insert Description of Construction on the OWNER's property on Insert Name of Road Road; and
2. The TOWN neither assumes responsibility for maintenance, including snow plowing, nor liability for any damages resulting from the use of Insert Name of Road Road; and

Adopted: June 10, 2019

3. OWNER agrees that at his/her/their expense or at the expense of themselves and other owners of property similarly located on Insert Name of Road Road shall be responsible for maintaining access to the subject property in good and passable condition in a manner consistent with the requirements of the Town's Select Board and the Town's Fire Chief; and
4. That OWNER does hereby acknowledge that, pursuant to State statutes including but not limited to RSA 674:41, I(c)(2) (or I(d)(2) for private roads) and RSA 231:93, the TOWN, its officers, agents, and employees shall not assume any responsibility nor legal obligation for maintaining Insert Name of Road Road and are not, as well as shall not be, liable under any claim of any nature, whether in tort or otherwise, which OWNER might have against the TOWN for any loss or damage, arising out of the condition of the ***CHOOSE ONE***: Class VI/Private roadway or the TOWN's lack of responsibility for construction or maintenance of said roadway, including any claim grounded in the TOWN's failure to provide municipal services, including police, fire, ambulance and/or other emergency response services, resulting from the condition or lack of maintenance of the said roadway; and
5. That Insert Name of Road Road remains a public highway and OWNER shall not act to prohibit public use. The TOWN retains full authority to regulate the public use of the highway pursuant to RSA 41:11, including use by OWNER and the erection by the TOWN of unlocked gates or bars, as provided by RSA 231:21; and
6. That OWNER assumes any and all responsibility for transporting any children to the nearest regular school bus stop; and
7. That OWNER assumes any and all responsibility for transporting any rubbish to the nearest point of the regular rubbish collection route; and
8. That this Acknowledgment is signed and executed by the OWNER as a condition to the approval to construct said building as provided by the TOWN and this document shall be recorded in the Coos County Registry of Deeds and within OWNER's chain of title concerning the subject property from which said Acknowledgment shall be binding upon the OWNER as well as all heirs, executors, administrators, successor and/or assigns.

EXECUTED this _____ day of _____.

OWNER
(Must be signed in front of a Notary)

STATE ON NEW HAMPSHIRE
COUNTY OF COOS, SS

On this _____ day of _____, _____, before me,
_____, the undersigned officer, personally appeared _____,
known to me (or satisfactorily proven) to be the person whose name is subscribed to the within
instrument and acknowledged that he/she/they executed the same for the purposes therein
contained. In witness whereof, I hereunto set my hand and official seal.

Notary Public/Justice of the Peace
My Commission Expires: _____

TOWN OF STRATFORD BOARD OF SELECTMEN

Clayton Macdonald, Chairman

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