



PETITION  
FOR CHANGES TO CONSENT OR AGREEMENT  
FOR EXCAVATION AND/OR MAINTENANCE OF PIPES AND STRUCTURES  
IN HIGHWAY BY AQUEDUCT OR GAS COMPANY  
ISSUED UNDER THE AUTHORITY OF THE  
BOARD OF SELECTMEN OF THE  
TOWN OF ALLENSTOWN

Allenstown, New Hampshire

Dated: November 14, 2013

TO THE BOARD OF SELECTMEN, TOWN OF ALLENSTOWN, NEW HAMPSHIRE:

The undersigned, in her capacity as Tax Payer of the Town of Allenstown, New Hampshire, and a resident of Allenstown, New Hampshire, being a person whose rights and/or interests in such capacity are affected by all existing and outstanding so-called consents or agreements for excavation for the purpose of laying water or gas pipes or structures in the public rights of way, or repairing the same, issued pursuant to RSA 231:184, under the authority of the Board of Selectmen of the Town of Allenstown, hereby petitions the Board of Selectmen of the Town of Allenstown, acting pursuant to authority conferred upon the said Board of Selectmen of the Town of Allenstown to manage the prudential affairs of the Town, by virtue of the provisions of RSA 41:8, to adopt the following changes to all currently issued and outstanding consents or agreements for excavation for the purpose of laying water of gas pipes or structures in the public rights of way, or repairing the same, heretofore issued by or under the authority of the Board of Selectmen of the Town of Allenstown or by their predecessors in office, including, but not limited to, all consents or agreements currently in effect by Orders of the Board of Selectmen or pursuant to requests for consent filed pursuant to RSA 231:184 with the Town of Allenstown, by adding the following language to all such consents or agreements, based on the law of New Hampshire, which recognizes that the public good is satisfied if such persons or entities maintaining water or gas pipes or structures in the public rights of way are assessed real and personal property tax for their use of the public right of ways, to wit:

“In accordance with the requirements of RSA 72:23, I(b), this consent or agreement of the Board of Selectmen to persons or entities maintaining water or gas pipes or structures in the public rights of way is given to such persons or entities subject to the condition that such persons or entities and any other person or entity now or hereafter using or occupying municipal property pursuant to this consent or agreement shall be responsible for the payment of, and shall pay, all properly assessed real and personal property taxes to the extent permitted by law, no later than the due date. Failure to pay duly assessed personal and real property



taxes when due shall be cause to provide a written notice to the persons or entities to show cause by a date certain specified in the notice as to why this consent or agreement should not be terminated for non-payment of the sums due.

“In accordance with the requirements of RSA 72:23, I(b), this Agreement is granted to the licensee(s) subject to that condition that the licensee(s) and any other entity now or hereafter losing or occupying municipal property pursuant to this consent or agreement shall be responsible for notifying, within 90 days of the date of the amendment to this consent or agreement, each user, other than the licensee, of the licensee’s pipes or structures, by serving a copy of the herewith amended consent or agreement on each such user and submitting to the Clerk of the Town of Allenstown, a complete list of users of each pipe or structure in the Town, listing the pipes or structures in or on which each user is located and their locations in the Town. Further, this Agreement is subject to the condition that the licensee(s) and any other person now or hereafter using or occupying municipal property pursuant to this consent or agreement shall update annually the information provided to the Town Clerk on or before May 1<sup>st</sup> of that year, including the location of any additional users and including the location of the pipes or structures in or on which the users’ facilities are located, any users that have removed their facilities from the Licensee’s pipes or structures and/or any users that have added any new facilities to the pipes or structures.”

The changes to the within consent or agreement set forth in the preceding paragraph shall take effect December 9, 2013 and shall remain in effect indefinitely, until changed.”

The holders of all currently issued and outstanding consent or agreements include, but are not limited to, the following:

Liberty Natural Gas, Tennessee Gas Co., and all successors and assigns

Pembroke Water Works., and all successors and assigns

Diane M Demers

Name: Diane M. Demers

Town of Allenstown, NH

11/14/2013

Date