

CITY OF CONCORD

In the year of our Lord two thousand and sixteen

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A PURCHASE AND SALES AGREEMENT WITH NEIL E. BURTT, JR. FOR THE SALE OF +/- 4,600 SQUARE FEET OF LAND LOCATED IN DEER PARK (MBL 9/2/8), SAID LAND TO BE INCORPORATED INTO A RESIDENTIAL LOT AT 10 BOW STREET IDENTIFIED BY MBL 9/1/1.

The City of Concord resolves as follows:

WHEREAS, the City of Concord owns land known as Deer Park, MBL 9/2/8; and

WHEREAS, Neil E. Burtt, Jr. owns an abutting residential property at 10 Bow Street; and

WHEREAS, it was discovered in 2015 that Mr. Burtt's property has several encroachments onto the City's Deer Park including: 1) a portion of the northerly driveway; 2) a portion of the driveway that goes behind the house at 10 Bow Street; 3) a carport/shed; 4) a portion of the retaining wall that holds up the driveway behind the house at 10 Bow Street; and 5) culverts draining private storm water onto Deer Park; and

WHEREAS, the City's Geographic Information System confirms that these encroachments preceded Mr. Burtt's ownership of the property at 10 Bow Street; and

WHEREAS, Mr. Burtt claims that he was unaware of the encroachments when he purchased the lot at 10 Bow Street in October 2013 and only became aware of the situation in 2015; and

WHEREAS, upon notification of the encroachment from the City, Mr. Burtt filed a claim with this title insurance company seeking redress of the encroachment however that claim was subsequently denied due to a lack of a survey at closing; and

WHEREAS, removal of the encroachments would significantly impact Mr. Burtt's property at 10 Bow Street and, according to Mr. Burtt pose an insurmountable financial challenge;

WHEREAS,

Mr. Burttt has offered to acquire the land in question from the City for \$1,500 contingent upon his retaining a licensed NH land surveyor and successfully submitting an application to the Planning Board for a lot line adjustment/subdivision to legally incorporate the land into his residential lot and prepare a quitclaim deed. Mr. Burttt will cover any and all fees, charges and taxes associated with this transaction;

NOW, THEREFORE, BE IT RESOLVED by the City Council of City of Concord that:

1. The City Manager is authorized to enter into a Purchase and Sales Agreement to sell +/- 4,600 s.f. of land from Deer Park (MBL 9/2/8) to Mr. Neil E. Burttt, Jr. for the purposes of resolving an encroachment posed by his property at 10 Bow Street (MBL 9/1/1) under the terms outlined herein.
2. This resolution shall take effect upon its passage.