

# CITY OF CONCORD

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*In the year of our Lord two thousand and seventeen*

**RESOLUTION      Relative to the public highway discontinuance of a portion of Pitman Street in Concord, NH**

*The City of Concord resolves as follows:*

WHEREAS, Pitman Street was originally laid out on November 15, 1855, as a 46 foot wide public highway right-of-way, and

WHEREAS, Pitman Street is a City maintained Class V highway, and

WHEREAS, Merrimack County, Nash Family Investment Properties and Five N Associates have petitioned for the complete discontinuance of a portion of Pitman Street to allow space for additional parking in conjunction with the construction of the new Merrimack County Superior Courthouse, and

WHEREAS, Merrimack County is the underlying fee owner of a portion of Pitman Street to be discontinued by virtue of being the abutter to the north of Pitman Street, said fee ownership being 3,397 square feet, more or less, and

WHEREAS, Nash Family Investment Properties and Five N Associates are the underlying fee owners of a portion of Pitman Street to be discontinued by virtue of being the abutter to the south of Pitman Street, said fee ownership being 2,013 square feet, more or less and

WHEREAS, Nash Family Investment Properties and Five N Associates have agreed to convey their fee ownership of the portion of Pitman Street to be discontinued to Merrimack County to be merged with the County property to the north of Pitman Street, and

WHEREAS, on April 19, 2017, the Planning Board voted in support of the petition to completely discontinue a portion of the Pitman Street public right-of-way as identified below, and

WHEREAS, a city's governing body may, pursuant to NH RSA 231:43 (Power to Discontinue), vote to discontinue completely any Class IV, V, or VI highway, or any portion thereof.

**NOW, THEREFORE, BE IT RESOLVED:**

Section 1: That the portion of Pitman Street as described below and as shown on a plan entitled "Proposed Discontinuance of a Portion of Pitman Street prepared for Merrimack County, Location: Pitman Street, Concord, NH," dated Nov. 10, 2016, prepared by

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Richard D. Bartlett & Associates, LLC, shall be completely discontinued as a public highway. Said legal description is more particularly described as follows:

Beginning at a the intersection of the northerly right-of-way line of Pitman Street and the westerly right-of-way line of North Main Street at land now of Merrimack County; thence

South 27° 36' 40 " East along the westerly right-of-way line of North Main Street a distance of 21.00 feet to a granite bound to be set; thence

South 61° 32' 40" West across Pitman Street a distance of 191.78 feet to a point of intersection of the boundary line between land now of Merrimack County and land now of Nash Family Investment Properties & Five N Associates; thence

South 61° 32' 40" West across Pitman Street a distance of 65.70 feet to a granite bound to be set at the terminus of Pitman Street as discontinued on April 13, 1970 and land now of Concord Housing Authority; thence

North 28° 27' 20" West along the terminus of Pitman Street as discontinued on April 13, 1970 and land now of Concord Housing Authority a distance of 21.00 feet to a point at the northerly right-of-way line of Pitman Street and land now of Merrimack County; thence

North 61° 32' 40 " East along the northerly right-of-way line of Pitman Street and land now of Merrimack County a distance of 6.61 feet to a point of intersection of the boundary line with other land now of Merrimack County; thence

North 61° 32' 40" East along the northerly right-of-way line of Pitman Street and land now of Merrimack County a distance of 251.19 feet to the point of beginning.

Containing 5,410 square feet, more or less, and meaning and intending to describe the complete discontinuance of a portion of the Pitman Street right-of-way shown on the above referenced plan attached hereto as Exhibit A.

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Section 2: That the petitioners, Merrimack County, Nash Family Investment Properties and Five N Associates, waive all their rights to damages as a result of the complete discontinuance of the portion of Pitman Street as described above.

Section 3: That this resolution shall become effective upon the date of passage.