

CITY OF CONCORD

In the year of our Lord two thousand twenty-two

RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT AN EXECUTORY INTEREST IN A CONSERVATION EASEMENT FOR PROPERTY OWNED BY THE POTTER FAMILY FARM TRUST, LOCATED AT 171 OAK HILL ROAD, APPROPRIATING THE SUM OF TWO HUNDRED TWENTY-FOUR THOUSAND FIVE HUNDRED DOLLARS (\$224,500) TO PURCHASE A CONSERVATION EASEMENT, OPEN SPACE CONSERVATION (CIP #352), AND AUTHORIZING THE USE OF TWO HUNDRED TWENTY-FOUR THOUSAND FIVE HUNDRED DOLLARS (\$224,500) IN CONSERVATION TRUST FUNDS FOR THIS PURPOSE

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The City of Concord resolves as follows:

- WHEREAS,** on April 12, 2004 the City adopted the provisions of RSA 36-A, re-establishing the Concord Conservation Commission with the power to acquire in the name of the city, subject to the approval of the local governing body, by gift, purchase, grant, bequest, devise, lease, or otherwise, the fee in such land or water rights, or any lesser interest, development right, easement, covenant, or other contractual right including conveyances with conditions, limitations or reversions, as may be necessary to acquire, maintain, improve, protect, or limit the future use of or otherwise conserve and properly utilize open spaces and other land and water areas within the city; and
- WHEREAS,** the Capital Improvement Plan (CIP) included a recommendation to purchase land or easements for the purposes as provided in RSA 36-A noted as CIP # 352; and
- WHEREAS,** The Potter Family Farm Trust intends to grant an easement on approximately 87.9 acres of land located at 171 Oak Hill Road legally described as Tax Map 23Z, Lot 2, and Map 23Z, Lot 3, to Five Rivers Conservation Trust and the City; the total cost for the easement is expected to be \$449,000; and
- WHEREAS,** The property described above is located in the area identified as the “Oak Hill Southwest Conservation Focus Area” in the 2017 Conservation and Open Space Plan Update; and
- WHEREAS,** the Potter Farm property contains agricultural fields and scenic qualities that contribute to the scenic, agricultural and natural resources of the historic agricultural area; and
- WHEREAS,** the Five Rivers Conservation Trust intends to hold the primary interest in the conservation easement on the Potter Farm property, and the City would hold the executory interest; and
- WHEREAS,** Five Rivers Conservation Trust has raised fifty-percent of the funds toward the purchase of the conservation easement and transaction costs, the City’s financial

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contribution will be limited to the remaining fifty-percent of the purchase and miscellaneous due diligence costs (\$224,500); and

WHEREAS, the Concord Conservation Commission, pursuant to its authority and for the purposes so specified in RSA 36-A, and after a duly noticed public hearing on this date, exercised its authority to allocate funds from the Conservation Trust Fund for the acquisition of the conservation easement, and to recommend that the City of Concord, subject to the approval of the Concord City Council, accept an executory interest in the conservation easement on this property; and

WHEREAS, the Conservation Commission intends to pay for the above-cited parcel using the current funds available to the Conservation Commission in the Conservation Fund; and

WHEREAS, the Conservation Commission intends to pay for incidental costs related to the transaction with available funds in FY2023 Conservation budget, as previously appropriated by the City Council; and

WHEREAS, this appropriation is for a purpose for which funding is not included in the Fiscal Year 2023 adopted budget, therefore Section 37 of the City Charter requires a two-thirds vote of the City Council.

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

- 1) The City Manager be authorized to accept an executory interest in the parcel as described above, at a cost to the City not to exceed \$224,500, and incidental costs related to the transaction will be paid with available funds in Conservation budget, as previously appropriated by the City Council.
- 2) The sum of\$224,500
be and is hereby appropriated as follows:

General Capital Project Fund
Open Space Protection (CIP #352)..... \$224,500

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3) Revenue to meet said appropriation shall be provided from the following sources:

General Capital Project Fund
Conservation Trust funds\$224,500

- 4) Sums as appropriated shall be expended under the direction of the City Manager.
- 5) This resolution shall take effect upon its passage.