

# 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 North Main Street between Court Street and Pitman Street in Concord, NH**

*The City of Concord resolves as follows:*

WHEREAS, North Main Street was originally laid out and shown on a plan entitled “A Plan of the Lots in Penacook as laid out by the original proprietors in 1726, prepared & drawn by S.C. Badger,”

WHEREAS, the right-of-way width of North Main Street is currently ninety-nine (99’) feet wide; and

WHEREAS, North Main Street is a City maintained Class IV highway, and

WHEREAS, Merrimack County owns the property known as 163 North Main Street and Map 46, Block 1, Lot 1, located on the westerly side of North Main Street between Court Street to the north and Pitman Street to the south, and

WHEREAS, Merrimack County will be constructing a new Superior Courthouse, which will be sold to the State of New Hampshire for its perpetual operation and maintenance, and

WHEREAS, to achieve the State of New Hampshire’s minimum required parking, the site development is currently proposed to encroach into the public right-of-way of North Main Street, and

WHEREAS, Merrimack County has petitioned for the complete discontinuance of a portion of North Main Street to allow for the construction of a retaining wall upon the easterly side of the property and within the North Main Street right-of-way, and

WHEREAS, on July 19, 2017, the Planning Board voted in support of the petition to completely discontinue a portion of the North Main 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:**

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**RESOLUTION      Relative to the public highway discontinuance of a portion of North Main Street between Court Street and Pitman Street in Concord, NH**

*The City of Concord resolves as follows:*

(Continued from page 1)

Section 1: That the portion of North Main Street as described below and as shown on a plan entitled "Proposed Discontinuance of a Portion of North Main Street, prepared for Merrimack County, Location: 163 North Main Street, Concord, NH," dated June 28, 2017, prepared by 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 granite bound to be set on the westerly right-of-way line of North Main Street, said granite bound to be set being South 27° 36' 45" East along the westerly right-of-way line of North Main Street a distance of 11.20 feet from a concrete bound at the intersection with the southerly right-of-way line of Court Street; thence

North 62° 02' 15" East a distance of 3.15 feet to a granite bound to be set; thence

South 28° 07' 35" East a distance of 94.48 feet to a granite bound to be set; thence

South 27° 37' 00" East a distance of 133.28 feet to a granite bound to be set at the southeast corner of the herein described parcel; thence

South 62° 23' 00" West a distance of 4.01 feet to the southeast corner of land of Merrimack County; thence

North 27° 36' 40" West along the easterly line of land of Merrimack County a distance of 227.74 feet to the point of beginning.

Containing 870 square feet, more or less, and meaning and intending to describe the complete discontinuance of a portion of the North Main Street right-of-way as shown on the above referenced plan attached hereto as Exhibit A.

Section 2: That the petitioner, Merrimack County, shall ensure that the remaining paved public sidewalk, upon construction of the retaining wall, shall be in as good or better condition, as determined by the City of Concord, than prior to the construction of said wall. This condition shall be made a part of the building permit and no Certificate of Occupancy shall be issued until satisfied.

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(Continued from page 2)

Section 3: That the petitioner, Merrimack County, shall ensure that the remaining paved, public sidewalk, upon construction of the retaining wall, shall, at a minimum, have a width of 6'. If such minimum width cannot be attained, as measured by the City of Concord, the County shall widen the paved sidewalk in materials and design acceptable to the City of Concord. This condition shall be made a part of the building permit and no Certificate of Occupancy shall be issued until satisfied.

Section 4: That the petitioner, Merrimack County, waives all its rights to damages as a result of the complete discontinuance of the portion of North Main Street as described above.

Section 5: That this resolution shall become effective upon the date of passage.