

CITY OF CONCORD

In the year of our Lord two thousand and eighteen

RESOLUTION **Relative to the public highway discontinuance of a portion of the original location of Lakeview Drive along land of Betty Lou Nichols known as Map 51Z, Lot 11, and along land of the City of Concord known as Map 51Z, Lot 16 in Concord, NH**

The City of Concord resolves as follows:

WHEREAS, the current location of Lakeview Drive is a City maintained Class V public highway, and

WHEREAS, the original location of Lakeview Drive had many curves and deflections, and

WHEREAS, the original layout of Lakeview Drive has not been located, and

WHEREAS, in 1950, the City laid out a new public highway right-of-way and reconstructed and relocated Lakeview Drive, from Carter Hill Road to West Parish Road, by straightening certain sections of the road and creating smoother curves, and

WHEREAS, the relocated layout overlapped certain sections of the original location, and created gaps in other areas between the new layout and the original location, and

WHEREAS, there is a gap between the new layout and the original location along land owned by Nichols and along land owned by the City, and

WHEREAS, the sections of the original location of Lakeview Drive that do not coincide with the 1950 layout were not discontinued by the Concord City Council, and

WHEREAS, those sections of the original location of Lakeview Drive that do not coincide with the 1950 layout have not been maintained and repaired by the City in a suitable condition for travel thereon for five successive years or more and therefore have lapsed into a Class VI public highway status, and

WHEREAS, the property owned by Betty Lou Nichols known as 110 Lakeview Drive, Map 51Z, Block 11, and the property owned by the City of Concord known as Map 51Z, Lot 16, both have frontage on the original location of Lakeview Drive having a Class VI status, and the current location of Lakeview Drive having a Class V status, and

WHEREAS, the City of Concord, as the owner of the parcel known as Map 51Z, Lot 16, owns the underlying fee of the land under the current location of Lakeview Drive having a Class V status, the underlying fee of the land between the current location of Lakeview Drive and the original location of Lakeview Drive having a Class VI status, and the

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underlying fee to the centerline of the original location of Lakeview Drive having a Class VI status, and

WHEREAS, the City, as the owner of the underlying fee to the centerline of the original location of Lakeview Drive having a Class VI status, shall retain ownership of said land upon the complete discontinuance of the original location of Lakeview Drive, and

WHEREAS, Nichols, as the owner of the underlying fee to the centerline of the original location of Lakeview Drive having a Class VI status, shall retain ownership of said land upon the complete discontinuance of the original location of Lakeview Drive, and

WHEREAS, Nichols does not have sufficient frontage along the right-of-way of the current location of Lakeview Drive having a Class V status, and therefore has insufficient frontage to move forward with a subdivision of her land, and

WHEREAS, Nichols and the City are desirous of completely discontinuing the original location of Lakeview Drive having a Class VI status, and

WHEREAS, on December 20, 2017, the Planning Board voted in support of T.F. Bernier's petition to discontinue the original location of Lakeview Drive having a Class VI status as described 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 the former location of Lakeview Drive having a Class VI status as described below and as shown on a plan entitled "Discontinuance Plan, Lakeview Drive, Assessor's Map 51Z, Lots 11 & 16, 110 Lakeview Drive, Concord, New Hampshire," dated November 2017, prepared by T.F. Bernier, Inc., (the "Plan") shall be discontinued completely as a public highway, and Nichols shall retain ownership of

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said parcel free and clear of the public highway easement. Said legal description is more particularly described as follows:

Beginning at a point on the northwesterly right-of-way line of the current location of Lakeview Drive having a Class V status, at its intersection with the northwesterly right-of-way line of the original location of Lakeview Drive having a Class VI status, said point of intersection being North 46° 54' 27" East a distance of 106.67 feet from a 4" X 4" granite bound found 16" below grade at the most southerly corner of land now or formerly of Betty Lou Nichols; thence

North 40° 04' 06" East along said northwesterly right-of-way line of the original Class VI location of Lakeview Drive, a distance of 256.60 feet to a point; thence

North 36° 16' 23" East along said northwesterly right-of-way line of the original Class VI location of Lakeview Drive, a distance of 116.57 feet to a point; thence

North 31° 52' 41" East along said northwesterly right-of-way line of the original Class VI location of Lakeview Drive, a distance of 46.21 feet to a point; thence

North 47° 19' 45" East along said northwesterly right-of-way line of the original Class VI location of Lakeview Drive, a distance of 51.33 feet to a point; thence

North 54° 47' 20" East along said northwesterly right-of-way line of the original Class VI location of Lakeview Drive, a distance of 54.81 feet to a point; thence

North 67° 25' 40" East along said northwesterly right-of-way line of the original Class VI location of Lakeview Drive, a distance of 95.26 feet to a point; thence

North 55° 00' 51" East along said northwesterly right-of-way line of the original Class VI location of Lakeview Drive, a distance of 161.46 feet to a point on the current Class V right-of-way of Lakeview Drive; thence

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South 46° 54' 27" West along said right-of-way line of the current Class V location of Lakeview Drive, a distance of 116.59 feet to a point on the centerline of the original Class VI location of Lakeview Drive; thence

South 61° 47' 54" West along the centerline of the original Class VI location of Lakeview Drive, a distance of 43.61 feet to a point; thence

South 63° 57' 15" West along the centerline of the original Class VI location of Lakeview Drive, a distance of 98.21 feet to a point; thence

South 54° 47' 20" West along the centerline of the original Class VI location of Lakeview Drive, a distance of 52.41 feet to a point; thence

South 47° 19' 45" West along the centerline of the original Class VI location of Lakeview Drive, a distance of 48.01 feet to a point; thence

South 31° 52' 41" West along the centerline of the original Class VI location of Lakeview Drive, a distance of 44.60 feet to a point; thence

South 36° 16' 23" West along the centerline of the original Class VI location of Lakeview Drive, a distance of 117.75 feet to a point; thence

South 40° 04' 06" West along the centerline of the original Class VI location of Lakeview Drive, a distance of 119.58 feet to a point on the current Class V right-of-way of Lakeview Drive; thence

South 46° 54' 27" West along the current Class V right-of-way of Lakeview Drive, a distance of 138.56 feet to the point of beginning.

Containing 10,362 square feet, more or less, and meaning and intending to describe the complete discontinuance of a portion of the original location of Lakeview Drive.

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Section 2: That the portion of the former location of Lakeview Drive having a Class VI status as described below and as shown on the Plan shall be discontinued completely as a public highway, and the City of Concord shall retain ownership of said parcel free and clear of the public highway easement. Said legal description is more particularly described as follows:

Beginning at a point on the northwesterly right-of-way line of the current location of Lakeview Drive having a Class V status, at its intersection with the centerline of the original location of Lakeview Drive having a Class VI status, said point of intersection being North 46° 54' 27" East a distance of 245.23 feet from a 4" X 4" granite bound found 16" below grade at the most southerly corner of land now or formerly of Betty Lou Nichols; thence

North 40° 04' 06" East along the centerline of the original Class VI location of Lakeview Drive, a distance of 119.58 feet to a point; thence

North 36° 16' 23" East along the centerline of the original Class VI location of Lakeview Drive, a distance of 117.75 feet to a point; thence

North 31° 52' 41" East along the centerline of the original Class VI location of Lakeview Drive, a distance of 44.60 feet to a point; thence

North 47° 19' 45" East along the centerline of the original Class VI location of Lakeview Drive, a distance of 48.01 feet to a point; thence

North 54° 47' 20" East along the centerline of the original Class VI location of Lakeview Drive, a distance of 52.41 feet to a point; thence

North 63° 57' 15" East along the centerline of the original Class VI location of Lakeview Drive, a distance of 98.21 feet to a point; thence

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North 61° 47' 54" East along the centerline of the original Class VI location of Lakeview Drive, a distance of 43.61 feet to a point on the current Class V right-of-way of Lakeview Drive; thence

South 46° 54' 27" West along the current Class V right-of-way of Lakeview Drive, a distance of 61.88 feet to a point on the southeasterly right-of-way line of the original Class VI location of Lakeview Drive; thence

South 63° 57' 15" West along said southeasterly right-of-way line of the original Class VI location of Lakeview Drive, a distance of 81.30 feet to a point; thence

South 59° 21' 02" West along said southeasterly right-of-way line of the original Class VI location of Lakeview Drive, a distance of 56.13 feet to a point; thence

South 47° 20' 40" West along said southeasterly right-of-way line of the original Class VI location of Lakeview Drive, a distance of 19.30 feet to a point; thence

South 38° 58' 43" West along said southeasterly right-of-way line of the original Class VI location of Lakeview Drive, a distance of 26.43 feet to a point; thence

South 43° 35' 32" West along said southeasterly right-of-way line of the original Class VI location of Lakeview Drive, a distance of 34.85 feet to a point; thence

South 32° 25' 32" West along said southeasterly right-of-way line of the original Class VI location of Lakeview Drive, a distance of 32.58 feet to a point; thence

South 31° 59' 19" West along said southeasterly right-of-way line of the original Class VI location of Lakeview Drive, a distance of 81.18 feet to a point on the current Class V right-of-way of Lakeview Drive; thence

South 46° 54' 27" West along the current Class V right-of-way of Lakeview Drive, a distance of 129.03 feet to the point of beginning.

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Containing 5,942 square feet, more or less, and meaning and intending to describe the complete discontinuance of a portion of the original location of Lakeview Drive.

Section 3: That Betty Lou Nichols waives all her rights to damages as a result of the complete discontinuance of the original location of Lakeview Drive as described above.

Section 4: That this resolution shall become effective upon the date of passage.