

# CITY OF CONCORD

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*In the year of our Lord two thousand and twenty-four*

**RESOLUTION** APPROVING THE CONDOMINIUM DECLARATION AND BYLAWS FOR THE NEW PENACOOK LIBRARY AND ACTIVITY SPACE AT #76 COMMUNITY DRIVE (CIP #650)

*The City of Concord resolves as follows:*

**WHEREAS,** on December 12, 2022, the City Council adopted Resolution #9518 which appropriated funds for the acquisition of real estate to be developed at 76 Community Drive for the purpose of establishing a new Penacook Branch Library and Community Center (CIP #650), and authorized the City Manager to enter into a purchase and sales agreement with the Boys and Girls Club of Central New Hampshire to acquire said real estate for these purposes; and,

**WHEREAS,** the real estate is in the form of a condominium, thus, the declaration and bylaws must comply with NH RSA 356-B (“the Condominium Act); and,

**WHEREAS,** the condominium declaration establishes a Unit Owner’s Association and Board of Directors, and as an Owner, the City shall have one member appointed to the Board;

**WHEREAS,** as a Unit Owner, the City will be responsible for the payment of condominium fees and assessments to support Common Area operating and maintenance expenses, special assessments if annual operating fees are insufficient to cover such expenses for any reason, payments to establish and maintain reserve funds for contingencies as well as repair, renovation, and replacement of Common Areas; and,

**WHEREAS,** Approval of City appropriations required to fulfill the City’s obligations as a Unit Owner as established within the Condominium Declaration and Bylaws shall not be unreasonably withheld.

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

- 1) Subject to final review and acceptance by the City Solicitor, the proposed Condominium Declaration and Bylaws are approved.
- 2) The City Manager is authorized to execute the final condominium documents.
- 3) The City Manager or his designee is authorized to act as the Owner Representative on the Unit Owner’s Association Board of Directors.
- 4) This resolution shall take effect upon its passage.