



CITY OF CONCORD

REPORT TO MAYOR AND THE CITY COUNCIL

FROM: Matthew R. Walsh, Deputy City Manager – Development
DATE: November 1, 2023
SUBJECT: License Agreement for Brady Sullivan Properties’ “Lofts 11” Project

Recommendation:

Approve the attached consent resolution authorizing the City Manager to enter into a License Agreement with Brady Sullivan Properties (“Brady Sullivan”), or other related party, concerning private use of City property located on Storrs Street.

Background:

The City owns certain real estate located on Storrs Street between Loudon Road and Higgins Place. Said property, which was acquired in 2014 for the purposes of Storrs Street Extension North (CIP #18), directly abuts real estate owned by Brady Sullivan Properties’ located at 11 Stickney Avenue.

On March 15, 2023, the Planning Board granted conditional approval to Brady Sullivan to develop 80 residential units at 11 Stickney Avenue. (See attached Overall Site Plan). During the Planning Board’s review of the project, it was determined that a portion of a structure located at the property, which will be preserved and renovated into housing, is partially located on City property.

The Planning Board’s approval was conditioned upon Brady Sullivan either removing portion of said building, or securing an easement (or other suitable agreement) from the City to allow for building to encroach on the City’s property.

Said building encroachment is shown on the attached plan. The structure in question has been located at 11 Stickney Avenue for several decades. The existing building encroachment will be demolished and replaced with a new structure. (See attached Demolition Plan) Additionally, private walkways will be located on City property to facilitate internal pedestrian connectivity with parking areas, as well as fencing to separate the area from the rest of the City’s real estate. See attached Site Plan with License Area Detail for more information.

Discussion:

Customarily, the City does not grant easements for private use of City property. Rather, the City enters into license agreements for said use. With this in mind, staff recommends that City Council authorize the City Manager to enter into a license agreement for said encroachment. The license will incorporate the City’s standard terms and conditions, and shall require removal of private improvements should they interfere with the City’s use of the property in the future. City’s use would include, but not be limited, Storrs Street Extension north and related improvements. Additionally, in accordance with RSA 72:23, those portions of the City’s property used for this purpose shall be subject to property taxes, which shall be paid by Brady Sullivan, or related party.