

CITY OF CONCORD

In the year of our Lord two thousand and twenty-three

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**RESOLUTION Relative to the public highway discontinuance of a portion of Canal Street
in the Village of Penacook, City of Concord, New Hampshire**

The City of Concord resolves as follows:

WHEREAS, the portion of Canal Street to be discontinued was laid out on May 27, 1953 as a widening of Canal Street as it then existing, and

WHEREAS, Canal Street is a City maintained Class V highway, and

WHEREAS, the City of Concord is the underlying fee owner of the portion of Canal Street to be discontinued by virtue of a deed from Penacook Electric Light Company dated July 29, 1947, and being recorded at the Merrimack County Registry of Deeds on August 7, 1947, at Book 641, Page 97, and

WHEREAS, on June 21, 2023 the Planning Board voted in support of the petition to completely discontinue a portion of the Canal Street public right-of-way as identified below, and

WHEREAS, the governing body of a city 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, and

WHEREAS, the City of Concord intends to voluntarily merge the portion of the Canal Street right of way to be discontinued, with the abutting parcel owned by the City of Concord known as Map 0543P, Lot 18 in conjunction with the City's development of the Canal Street Riverfront Park, CIP #567.

NOW, THEREFORE, BE IT RESOLVED:

Section 1: That the portion of Canal Street as described below and as shown on a plan entitled "Right of Way Easement Plat and Right of Way Discontinuance Plat prepared for the City of Concord and Caleb Penacook Limited Partnership, Project Location: 11 & 33 Canal Street, Concord, NH, Map 0543P, Lots 18 & 18-1," dated Feb. 14, 2023, prepared by Richard D. Bartlett & Associates, and as described below be discontinued completely as a public highway:

Beginning at a monument to be set at the intersection of the easterly right of way line of Village Street and the proposed northwesterly right of way line of Canal Street; thence

North 29° 30' 19" West along the easterly right of way line of Village Street a distance of 13.54 feet to a point at the existing northwesterly right of way line of Canal Street; thence

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North 54° 24' 41" East along the existing northwesterly right of way line of Canal Street a distance of 82.80 feet to a point; thence

South 38° 35' 19" East along the existing northwesterly right of way line of Canal Street a distance of 5.76 feet to a point of curve; thence

By a curve to the right along the existing northwesterly right of way line of Canal Street having a radius of 459.26 feet, a delta angle of 1° 59' 21", and a length of 15.94 feet to a point of tangent; thence

North 37° 14' 59" East along the existing northwesterly right of way line of Canal Street a distance of 167.03 feet to a point; thence

North 37° 14' 59" East along the existing northwesterly right of way line of Canal Street a distance of 71.36 feet to a point; thence

North 38° 43' 47" East along the existing northwesterly right of way line of Canal Street a distance of 43.52 feet to a point; thence

South 51° 30' 35" East along the existing northwesterly right of way line of Canal Street a distance of 31.18 feet to a point at the proposed northwesterly right-of-way line of Canal Street; thence

South 39° 16' 37" West along the proposed northwesterly right of way line of Canal Street a distance of 72.76 feet to a monument to be set; thence

South 37° 19' 51" West along the proposed northwesterly right of way line of Canal Street a distance of 208.22 feet to a monument to be set at a point of curve; thence

By a curve to the right along the proposed northwesterly right of way line of Canal Street having a radius of 88.50 feet, a delta angle of 12° 00' 16", and a length of 18.54 feet to a point of tangent; thence

South 49° 20' 07" West along the proposed northwesterly right of way line of Canal Street a distance of 52.06 feet to a monument to be set at a point of curve; thence

By a curve to the right along the proposed northwesterly right of way line of Canal Street having a radius of 28.00 feet, a delta angle of 40° 39' 57", and a length of 19.87 feet to a monument to be set at a point of tangent; thence

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North 89° 59' 57" West along the proposed northwesterly right of way line of Canal Street a distance of 22.61 feet to the point of beginning.

Containing 9,493 square feet, more or less.

Section 2: All private and public utilities are preserved and not affected by this discontinuance, and will continue as easements encumbering the underlying land to the extent that they are located within the portion of the Canal Street right of way being discontinued.

Section 3: The City of Concord waives all rights to damages as a result of the complete discontinuance of the portion of Canal Street as described above.

Section 4: This resolution shall become effective upon passage.