



CITY OF CONCORD

New Hampshire's Main Street™

REPORT TO THE MAYOR AND CITY COUNCIL

FROM: Carlos P. Baía, Deputy City Manager-Development

DATE: January 4, 2017

SUBJECT: Referral from Councilor Herschlag regarding St. Paul's School compliance with Easement Agreement

Recommendation

Accept this report.

Background

As Council may recall, St. Paul's School contributed to the funding of the Langley Parkway construction as an alternate route to the portions of public ways known as Silk Farm Road and Dunbarton Road running through their campus. In consideration of that funding, the portions of those roads that ran through their campus would be discontinued as public ways subject to certain easements and rights of the City and St. Paul's.

Discussion

St. Paul's entered into the enclosed "Easement Agreement" on February 8, 2010. The agreement stipulated that the school "continue to maintain those former public ways as internal roadways within the St. Paul's School property to at least the same size and condition of other School roads current in use for emergency vehicle, pedestrian and bicycle traffic." (Easement Agreement, Section 1) The School was further obligated to provide "snow removal, sanding and salting, removal of branches and debris, street sweeping, and other actions as may be necessary to ensure the easement area is in good order and in a condition suitable for public access and passage in all seasons." (Easement Agreement, Section 2).

In a November 7, 2016 email to the City Clerk, Councilor Herschlag requested a referral to the City Manager for determination "if St. Paul's School is in compliance with the Easement Agreement." This request was referred to City Administration at the November 14th City Council meeting.

City staff visited the site in question on December 14, 2016 and took several photographs from different points in the road network in question. Those photos (attached) showed that

the road had been plowed and appeared to depict a road in fair condition. A subsequent closer assessment of the roadway conducted on January 4, 2017, after additional snow storm and plowing events, found sections to be pockmarked by potholes, cracks and some areas of heaving.

Staff will contact St. Paul's Administration to communicate the City's observations and ascertain what the school's plan is regarding the maintenance of the roadway. Staff will report back to City Council.