

CITY CLERK'S OFFICE
CITY COUNCIL REFERRAL SLIP

TO: Legal

DATE: June 13, 2017

The attached document was received for City Council consideration.

The following action is required:

- Prepare a report together with related documents, if applicable, such as an ordinance, a resolution or an agreement and submit to the City Clerk's Office for inclusion in the City Council's _____ agenda.
- You are the only department or committee this communication was referred to.
- Along with your department, this item was referred to the following departments:

Please feel free to contact the City Clerk's Office if you have any questions.

June 1, 2017

City Council

Concord, NH



Re: Merger of Lots 12/1/2 and 12/1/1

6 Wilfred Ave, Concord NH

Dear Members of the City Council:

I am the owner of lots 12/1/1 and 12/1/2 located at 0 and 6 Wilfred Avenue in Concord. I am writing for the purpose of requesting the city to restore these previously merged lots to their premerger status. After recent discussions with Zoning Administrator Craig Walker it is my understanding that he considering these lots as merged- by involuntary or involuntary means. The property assessment indicates a land value of \$49,200 for the 0.25 acre- 0 Wilfred Avenue property. Of which I pay approximately \$1200 per year in taxes. During a discussion with city assessors during a tax abatement application I filed in 2015 it was indicated by the inspector that the valuation of 0 Wilfred Avenue reflected the vagueness of whether the property was actually a separate lot for building purposes. My understanding is that the valuation would be much lower if the lot was actually considered "merged". For these reasons, it was clear that the city has no official record of formally merging the properties. This is also indicated as a separate lot by the City in its notes of the official Assessing Report for the property (please see attached). The document notes "could extend road along entire frontage or merge with adjacent lot..." indicates clearly that the lot has not been merged in the jurisdiction of the city of Concord.

The lot is non-conforming because it does not contain the minimum frontage or useable land area in the base zoning district. However, the lot size is consistent with many other adjacent properties which have buildings on them. Additionally, the zoning ordinance allows the construction of single family detached units on non -conforming lots which have been grand-fathered.

Further, the issue of whether the merger was a voluntary act by the former land owner cannot be proven. There is a shed which sits on the lot line as depicted on the city GIS mapping. It cannot be proven that the owner knew he was placing the shed on the vacant lot, thus rending the lots merged. For these reasons, the lots should be considered as involuntarily merged and I respectfully request that the city unmerge the lots.

In 1995, RSA 674:39-a was enacted giving landowners the option to voluntarily merge contiguous parcels of land for municipal regulation and taxation purposes. During my research, I have not encountered any documentation at city hall indicting that the city had notified the owners of the any type merger activity- either voluntary or not. Nor was there a record of having a voluntary merger of the properties completed by the former land owners. The preceding owners treated the properties as two units, and the city has accordingly prepared separate tax bills for two units. As such, the fact that these lots are separately assessed and separately taxed is conclusive in determining that these are separate lots.

I trust that The Council will consider these matters at its next available meeting. Thank you for your time and consideration.

Respectfully,



Jason Hill
6 Wilfred Avenue
Concord NH
603-486-8532

~~JHILL@TFMORAN.COM~~

JHILL@TFMORAN.COM

City of Concord, NH
**Application for Restoration of
 Involuntarily Merged Lots Pursuant to RSA 674:39-aa**

Applicant Information

Owner(s) Name <u>JASON HILL</u>
Address/Street Number <u>6 Wilfred Ave / 0 Wilfred Ave</u>
City & State <u>CONCORD NH</u> Telephone (603) <u>486-8532</u> <u>03301</u>

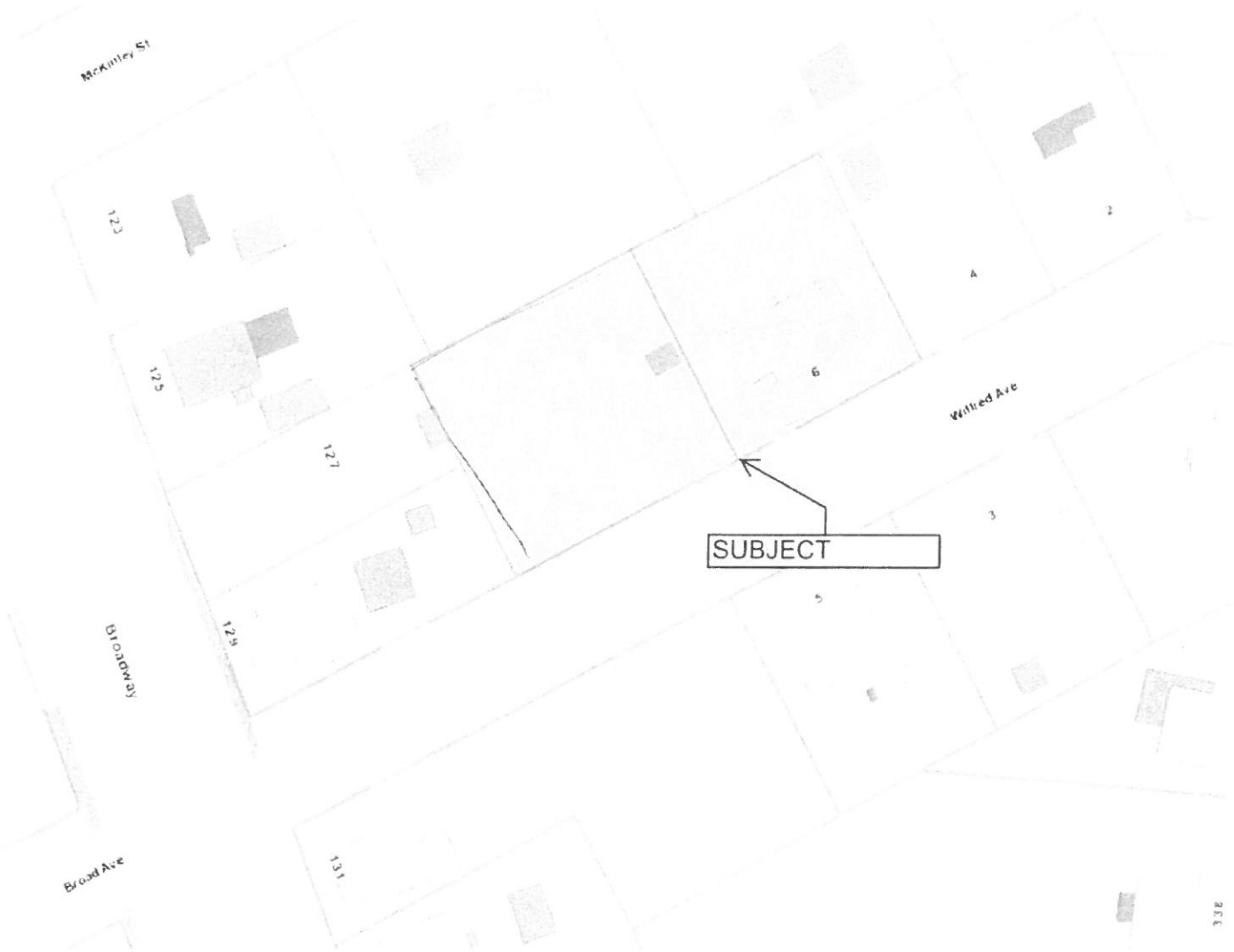
Current Parcel Information (use additional sheet if more than three parcels involved)*

	Parcel 1	Parcel 2	Parcel 3
Assessor's Map/Block/Lot	12/1/2	12/1/1	
Assessor's Tract Number(s) (if known)			
Street Address or Address Range	6 Wilfred Ave	0 Wilfred Ave	
Deed Reference Book/Page	3374/0904	3374/0904	

**Please attach a copy of the deed for each parcel. Please also attach any relevant surveys, site plans, approved subdivision plans, pre-merger tax bills or other documentation that you think is pertinent. This application must be submitted to the City Council prior to December 31, 2016. Please see the Instructions & General Information for additional details.*

Owner's Signature  Date 5/3/17

Owner's Signature _____ Date _____





Disclaimer of Mapping Accuracy
 Engineering Department
 City of Concord, New Hampshire

GEOGRAPHIC INFORMATION SYSTEM

This map conforms to the United States National Map Accuracy Standards. It was prepared for use by the City of Concord and uses a database digitized at a scale of 1:3200. Enlargements may produce measurable discrepancies. The City makes no representations or guarantees of its accuracy or its suitability for use other than by the City. Users other than the City, do so at their own risk.

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CITY OF CONCORD, N.H.
COMMUNITY DEVELOPMENT
DEPARTMENT
ENGINEERING SERVICES DIVISION

AREA MAP OF WILFRED AVENUE

SCALE: 1" = 100'	DATE: 11/14/00
PREP. BY: P.E.G.	DES BY:
FILE: wilfred.dwg	CH'KD BY:
	REV:

CURRENT OWNER: HILL, JASON S
 UTILITIES: 1 All Public
 STREET/ROAD: 2 Semi-Improved
 LOCATION: 2 Suburban
 Description: RFS LAND
 Code: 1300
 Appraised Value: 49,100
 Assessed Value: 49,100
 2108
 CONCORD, NH

6 WILFRED AVE
 CONCORD, NH 03301-2770
 Additional Owners:
 Other ID: 12 1 1
 Sub-Div: 1
 Photo: 1
 Ward: 1
 Prec: 1
 Title: 3474
 GIS ID: 12148
 SUPPLEMENTAL DATA
 Title: Title
 Title: Title
 Title: Title
 Title: Title
 ASSOC PID#

RECORD OF OWNERSHIP
 HILL, JASON S
 LYNCH PAUL, R & JOAN M
 BK-VOL/PAGE: 3374/0904
 1010/0529
 SALE DATE: 03/15/2013
 q/u: U
 w/l: V
 SALE PRICE: 205,000
 V.C.: 0
 Yr: 2015
 Code: 1300
 Assessed Value: 49,100
 Yr: 2015
 Code: 1300
 Assessed Value: 42,900
 Yr: 2014
 Code: 1300
 Assessed Value: 42,900

Year	Type	Description	Amount	Code	Description	Number	Amount	Comm. Int.
EXEMPTIONS								
OTHER ASSESSMENTS								
Total: 49,100								

ASSESSING NEIGHBORHOOD
 NBH/D: SUB
 SOUTH EAST
 STREET INDEX NAME
 TRACING
 BATCH

NOTES
 VACANT/RD DOES NOT EXTEND ALONG FRONTAGE OF LOT
 OR MERGE WITH ADJACENT LOT
 COULD REQUEST VARIANCE TO BUILD A DRIVEWAY ON LOT W/NO ROAD FRONTAGE
 LOT SIZE PER PLAN #104 & DEED OWNS ADJACENT 12/1/2
 COULD EXTEND ROAD ALONG ENTIRE FRONTAGE

Permit ID	Issue Date	Type	Description	Amount	Insp. Date	% Comp.	Date Comp.	Comments
BUILDING PERMIT RECORD								
Total: 49,100								

B #	Use Code	Use Description	Zone	Frontage	Depth	Units	Unit Price	Factor	Acre	Disc	Factor	ST	S.I.	Notes-Adj	Rec Y/N	CU	Special Precins	Adj. Unit Price	Land Value
1	1300	RES ACINDV	RM			10,296	SF	5,961,300	6	1,0000	0.56	0115	1.10	-20 VAC-30 NO ROAL	N	0.000		4.77	49,100
LAND LINE VALUATION SECTION																			
Total Card Land Units: 0.24 AC										Parcel Total Land Area: 0.24 AC									
Total Land Value:															49,100				

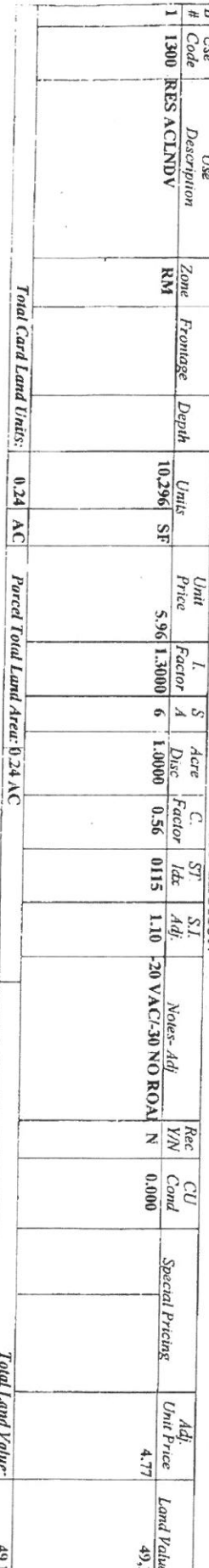
Date	Type	IS	ID	CD	Purpose/Result
02/12/1990	X		JY		
06/22/1989	X		DC	00	Measur+Listed
VISIT/CHANGE HISTORY					

Appraised Bldg. Value (Car)	Appraised XF (B) Value (Bldg)	Appraised OB (L) Value (Bldg)	Appraised Land Value (Bldg)	Special Land Value	Total Appraised Parcel Value
0	0	0	49,100	0	49,100
Adjustment: 0					
Net Total Appraised Parcel Value: 49,100					

Appraised Bldg. Value (Car)
 Appraised XF (B) Value (Bldg)
 Appraised OB (L) Value (Bldg)
 Appraised Land Value (Bldg)
 Special Land Value
 Total Appraised Parcel Value
 Valuation Method:
 Adjustment:
 Net Total Appraised Parcel Value

PREVIOUS ASSESSMENTS (HISTORY)
 Total: 49,100
 49,100
 42,900
 42,900

APPRaised VALUE SUMMARY
 This signature acknowledges a visit by a Data Collector or Assessor



CONSTRUCTION DETAIL

CONSTRUCTION DETAIL (CONTINUED)

Element	Code	Ch	Description	Element	Code	Ch	Description
Model	00		Vacant				

MIXED USE

Code	Description	Percentage
1300	RES A CLINDV	100

COST/MARKET VALUATION

Adj. Base Rate:	0.00
Net Other Adj:	0
Replace Cost:	0.00
AYB	0
EYB	0
Dep Code	
Remodel Rating	
Year Remodeled	
Dep %	
Functional Obsolete	
External Obsolete	
Cost Trend Factor	1.03
Condition	
% Complete	
Overall % Cond	
Apprais Val	
Dep % Ovr	0
Dep Ovr Comment	
Misc Imp Ovr	0
Misc Imp Ovr Comment	
Cost to Cure Ovr	0
Cost to Cure Ovr Comment	

OB-OUTBUILDING & YARD ITEMS(L) / XE-BUILDING EXTRA FEATURES(B)

Code	Description	Sub	Sub Description	L/R	Units	Unit Price	Yr	Code	Dep Ri	Chnd	%Chnd	Apr Value

BUILDING SUB-AREA SUMMARY SECTION

Code	Description	Lining Area	Gross Area	Eff. Area	Unit Cost	Undereq. Value

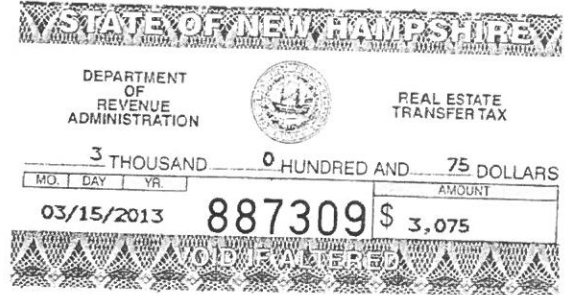
3

Doc#: 201300005573
Book: 3374 Pages: 0904 - 0905
03/15/2013 3:07PM

MCRD Book 3374 Page 904

Return To:

Jason S. Hill
6 Wilfred Avenue & 0 Wilfred Avenue
Concord, NH 03301



14.46
2-0
25

3075.00

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, That, Paul R. Lynch and Joan M. Lynch, husband and wife, with a mailing address of 18 Macadamia Lane, Lewiston, ME 04240, for consideration paid grants to Jason S. Hill, unmarried, with a mailing address of 11 Ridgewood Drive, Bow, NH 03304, with WARRANTY COVENANTS:

Tract I:

A certain tract or parcel of land, with any buildings or improvements thereon, situated in the City of Concord, County of Merrimack and State of New Hampshire, bounded and described as follows:

Beginning at a stone bound at the southeasterly corner of the lot herein conveyed on the northerly side of Wilfred Avenue and at other land now or formerly of Roger W. Guay; thence westerly ninety (90) feet, more or less, by said Wilfred Avenue to a stone bound and other land of said Guay; thence northerly one hundred five (105) feet, more or less, by other land of said Guay to a stone bound at land now or formerly of Edwin I. Carlson; thence easterly ninety (90) feet, more or less, by land of said Carlson to a stone bound; thence southerly one hundred five (105) feet, more or less, by other land of said Guay to the bound begun at.

Tract II:

A certain tract or parcel of land, with any buildings or improvements thereon, situated in the City of Concord, County of Merrimack and State of New Hampshire, bounded and described as follows:

Beginning at a point on the north side of Wilfred Avenue at the southwest corner of land of Isabelle Kenney; thence northwest one hundred five (105) feet, more or less, by said Kenney land to land now or formerly of George A. Foster; thence southwest ninety-nine (99) feet, more or less, by said Foster land to land now or formerly of



PML
KFL IAF
JML
MBSL IAF


Michael J. Marchak, Jr.; thence southeast 104 feet more or less by said Marchak land to land reserved for a street; thence northeast by said street ninety-nine feet to the point of beginning.

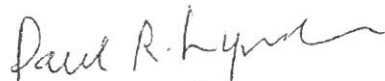
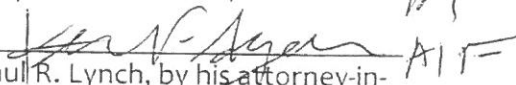
Being Lot 7 and the westerly thirty-three feet of Lot 6 on Plan of Franklin Low Estate as recorded in the Merrimack County Registry of Deeds as Plan #104.


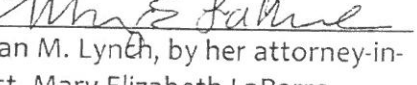
Meaning and intending to describe and convey the same premises as conveyed to Paul R. Lynch and Joan M. Lynch by Warranty Deed dated August 2, 1965 recorded in the Merrimack County Registry of Deeds in Book 965, Page 22 and by Warranty Deed dated June 30, 1967 recorded in said Registry of Deeds in Book 1010, Page 529.

The grantors hereby release all rights of homestead in the above-described property.

Executed this 15th day of March, 2013.


Witness To Both



Paul R. Lynch, by his attorney-in-
fact, Kevin F. Lynch



Joan M. Lynch, by her attorney-in-
fact, Mary Elizabeth LaBarre

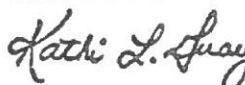
STATE of New Hampshire
County of Merrimack, ss:

Personally appeared the above named Kevin F. Lynch, attorney-in-fact, for Paul R. Lynch and Mary Elizabeth LaBarre, attorney-in-fact for Joan M. Lynch, before me this 15th day of March, 2013 known to be the persons whose names are subscribed to the foregoing instrument and acknowledged that they executed the same for the purposes therein contained in their aforesaid capacities.



Notary Public
Print Name: Judith F. Sourdif
My Commission Expires: 08-19-2014

MERRIMACK COUNTY RECORDS

 CPO, Register

