

Resolution No. 9504
CITY OF CONCORD

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

RESOLUTION **Relative to the public highway discontinuance of a portion of the original location of [Old] Stickney Avenue in Concord, NH**

The City of Concord resolves as follows:

WHEREAS, the original location of [Old] Stickney Avenue was originally laid out on October 16, 1895, as a 60 foot wide public highway right-of-way,

WHEREAS, the original location of [Old] Stickney Avenue is now a Class VI public highway, and

WHEREAS, Cronin Bisson & Zalinsky, PC has requested on behalf of Brady Sullivan Properties for the complete discontinuance of a portion of the original location of [Old] Stickney Avenue, and

WHEREAS, the State of New Hampshire owns the property known as Map 6442Z, Lot 12, to the west of the portion of the original location of [Old] Stickney Avenue to be completely discontinued, and the State of New Hampshire owns the property which does not yet have a Map and Lot designation to the east of the portion of the original location of [Old] Stickney Avenue to be completely discontinued, and

WHEREAS, the State of New Hampshire is the only abutter to the portion of the original location of [Old] Stickney Avenue to be discontinued; and

WHEREAS, on October 11, 2022, Assistant Commissioner, William Cass, of the New Hampshire Department of Transportation waived the requirement for the City of Concord to provide abutter notice to the State of New Hampshire by verified mail at least 14 days before the vote by the Concord City Council to discontinue a portion of Old Stickney Avenue, as required by RSA 231:43, II; and such waiver document shall be attached to this Resolution as Exhibit 2; and

WHEREAS, a city's governing body 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.

NOW, THEREFORE, BE IT RESOLVED:

Section 1: Subject to receipt of the State of New Hampshire's executed waiver of notice, which shall be attached to this Resolution as Exhibit 2, the portion of the original location of [Old] Stickney Avenue as shown on a plan entitled "Subdivision / Discontinuance Plan (Map 46A, Block 2, Lot 1) 11 Stickney Avenue, Concord, New Hampshire, Prepared for: Brady Sullivan Properties, LLC, 670 N. Commercial Street, Suite 303, Manchester, New Hampshire 03101, Record Owner: State of New Hampshire, c/o

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(Continued from page 1)

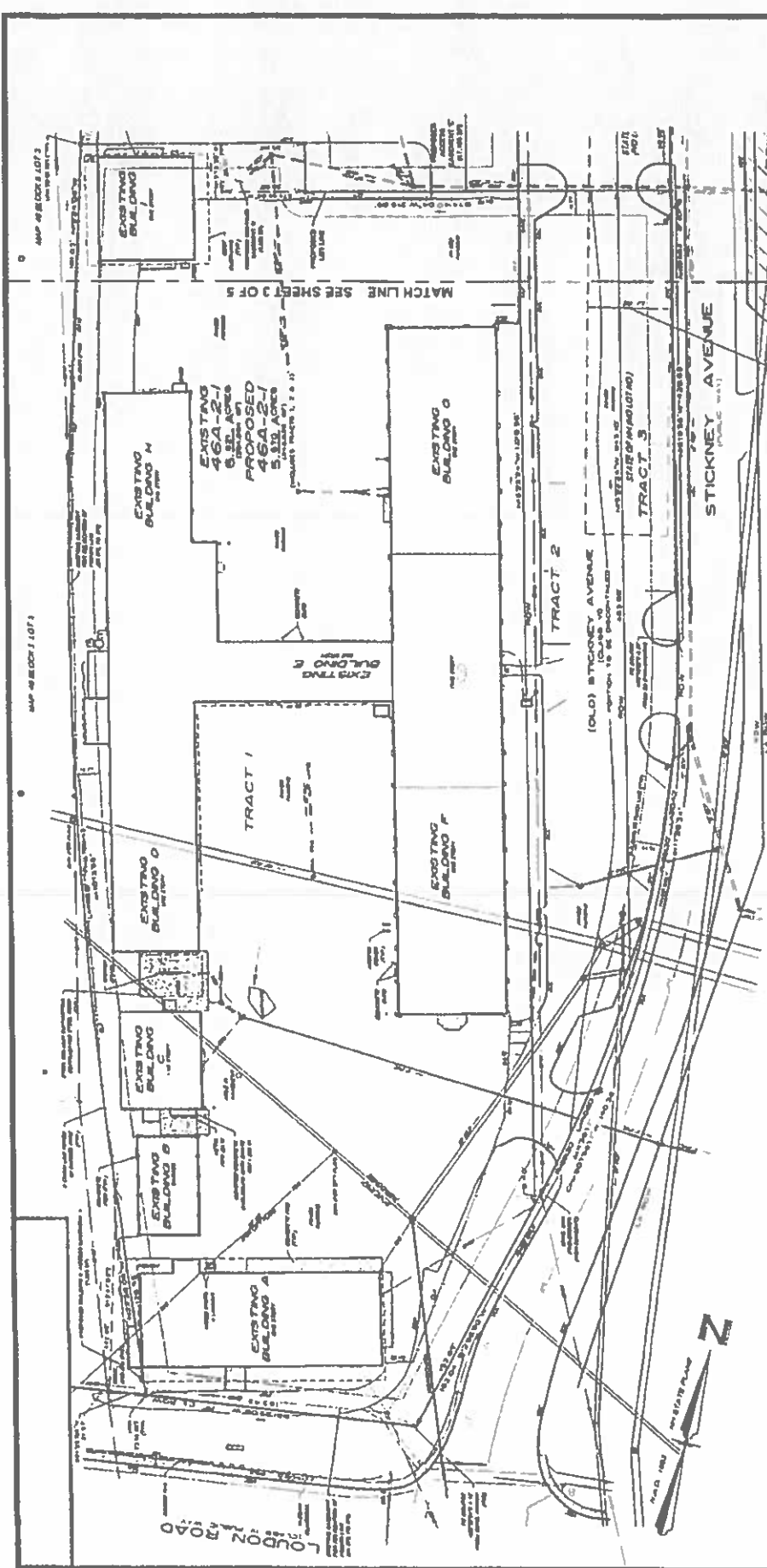
Department of Transportation, 7 Hazen Drive, PO Box 483, Concord, New Hampshire 03302-0483," dated 14 September 2021, prepared by HIS Hayner/Swanson, shall be completely discontinued as a public highway. Attached to this Resolution as Exhibit 1.

Section 2: That the petitioner, Brady Sullivan Properties, and the record property owner, the State of New Hampshire, waive all their rights to damages as a result of the complete discontinuance of the portion of the original location of [Old] Stickney Avenue as described above.

Section 3: That this resolution shall become effective upon the date of passage.

In City Council
October 11, 2022
Passed


City Clerk



SUBDIVISION 1 DISCONTINUANCE PLAN
 (MAP 4618 DC7 1 LOT 1)
11 STICKNEY AVENUE
 CONCORD, NEW HAMPSHIRE
 PREPARED FOR:
BRADY SULLIVAN PROPERTIES, LLC
 RECORD OWNER:
STATE OF NEW HAMPSHIRE
 MAP 4618 DC7 1 LOT 1

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APPROVED
 CITY PLANNING BOARD
 CONCORD, NEW HAMPSHIRE
 APPROVED ON: 9/15/21

CERTIFICATION
 I, the undersigned, being duly qualified, do hereby certify that the above is a true and correct copy of the original as filed in my office, and that the same has been duly recorded in the public records of the State of New Hampshire.

14 SEPTEMBER 2021

WAIVER OF NOTICE UNDER RSA 231:43, II

The undersigned, William Cass, of the State of New Hampshire, Department of Transportation, ("State"), hereby waives the requirement for the City of Concord to provide a butter notice to the State by verified mail at least 14 days before the vote by the Concord City Council to discontinue a portion of [Old] Stickney Avenue, as required by RSA 231:43, II.

By signing this waiver, the State waives all their rights to damages as a result of the complete discontinuance of the portion of the original location of [Old] Stickney Avenue as shown on a plan entitled "Subdivision / Discontinuance Plan (Map 46A, Block 2, Lot 1) 11 Stickney Avenue, Concord, New Hampshire, Prepared for: Brady Sullivan Properties, LLC, 670 N. Commercial Street, Suite 303, Manchester, New Hampshire 03101, Record Owner: State of New Hampshire, c/o Department of Transportation, 7 Hazen Drive, PO Box 483, Concord, New Hampshire 03302-0483." dated 14 September 2021, prepared by HIS Hayner/Swanson.

I understand that it will not be necessary for the City to provide notice to the State as required by RSA 231:43, II before the vote of the City Council on the discontinuance of a portion of the original location of [Old] Stickney Avenue, which occurred at a public meeting on October 11, 2022.

I hereby certify that I am authorized to execute this waiver.

Date: October 12, 2022

By: 

Print Name: William Cass
State of New Hampshire, Department of Transportation

Witness: 

Print Name: Jennifer Lane