



CITY OF CONCORD

REPORT TO MAYOR AND THE CITY COUNCIL

FROM: Matthew R. Walsh, Deputy City Manager – Development
DATE: November 29, 2023
SUBJECT: Supplemental Report: License Agreement for Brady Sullivan Properties’ “Lofts 11” Project located at 11 Stickney Avenue

Recommendation:

Approve the proposed 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, as previously provided to City Council during its November 13, 2023 meeting.

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. 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. Customarily, the City does not grant easements for private use of City property. Rather, the City enters into license agreements for said use.

During its November 13, 2023 meeting, the City Council tabled consideration of the proposed resolution authorizing the City Manager to enter into said license agreement. Specifically, the Council desired to review the license agreement before acting on said resolution.

Discussion:

The proposed license agreement is attached for the City Council’s review. The License permits the Licensee to encumber 1,328 +/- square feet of the City’s property. If approved, the License shall remain in effect until terminated by the City or the Licensee. Importantly, the City has the ability to terminate the License for any reason upon 30-day notice. Further, the License expressly puts the Licensee on notice regarding the City’s potential need to terminate to facilitate construction of Storrs Street North Extension (CIP #18). The License cannot be assigned without the City’s express written consent, which can be withheld for any reason. The proposed License also contains the City’s normal and customary requirements for insurance, indemnification, as well as payment of property taxes by the Licensee in accordance with RSA 72:23 for that portion of the City’s property which they will be occupying.