

CITY OF CONCORD

In the year of our Lord two thousand fifteen

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A TRAIL AGREEMENT ON LAND TO BE CONVEYED TO UNITIL ENERGY SYSTEMS, INC. NEAR PORTSMOUTH STREET WHICH WILL PERMIT THE PUBLIC USE OF THE TRAIL AND ALLOW THE INCLUSION OF THE TRAIL IN THE CITY’S TRAIL SYSTEM.

The City of Concord resolves as follows:

WHEREAS, the City intends to convey property to Unitil Energy Systems, Inc. (“Unitil”) near Portsmouth Street in accordance with a resolution that was passed by City Council on February 9, 2015; and

WHEREAS, a proposed trail would cross over the property and Unitil has agreed to allow the general public to use this trail and to allow the trail to be included in the City of Concord’s Trail System; and

WHEREAS, this trail will be part of the trail system that would connect Portsmouth Street to property known as Whispering Heights that is owned by the City; and

WHEREAS, the continued improvement of the City’s trail system is a recommendation found in both the City of Concord Open Space Plan and the Master Plan 2030; and

WHEREAS, Unitil and the City will prepare a trail agreement to formalize the inclusion of this trail into the City’s Trail System and to outline the manner in which the trail shall be utilized, administered and maintained; and

WHEREAS, an agreement with the City would allow Unitil to benefit from the provisions of RSA 508:14, Landowner Limited Liability, which states “*An owner, occupant, or lessee of land, including the state or any political subdivision, who without charge permits any person to use land for recreational purposes or as a spectator of recreational activity, shall not be liable for personal injury or property damage in the absence of intentionally caused injury or damage.*”

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NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Concord that:

- 1) The City Manager is hereby authorized to enter into a trail agreement on land to be conveyed to Unitil Energy Systems, Inc. near Portsmouth Street, which will permit the public use of this proposed trail and allow for the inclusion of the trail in the City's Trail System.
- 2) This Resolution shall take effect upon passage.