



# CITY OF CONCORD

## REPORT TO THE MAYOR AND CITY COUNCIL

**FROM:** Beth Fenstermacher, Assistant City Planner, on behalf of the Conservation Commission

**DATE:** April 27, 2018

**SUBJECT:** Authorization to accept the donation of an 8.3 acre parcel of land owned by Mr. George Chesley and Mr. Roger Chesley, identified as Map 98, Block 1 Lot 7, assessed at \$30,300, for the purpose of conserving the land in perpetuity.

### **Recommendation**

It is recommended that City Council approve the acceptance of a donation of land from Mr. George Chesley and Mrs. Roger Chesley, and authorize the City Manager to execute the deed for the property transaction and file a petition to quiet title.

### **Background**

Mrs. Joan Chesley, widow of Mr. Roger Chesley, approached the Conservation Commission offering to donate an undeveloped parcel of land identified as Map 98, Block 1, Lot 7, located off Stickney Hill Road, with the condition that the land be conserved in perpetuity. Letters of intent to donate were submitted by George Chesley and Joan Chesley. The parcel is 8.3-acres in size and is bisected by Interstate 89. The northern portion of the parcel is accessible via a public right-of-way that is located off the Exit 3 ramp of I-89. The southern portion of the parcel has frontage on Stickney Hill Avenue.

The public right-of-way through the northern portion of the parcel is utilized as part of the 13 mile "West End Farm Trail" and as a portion of a snowmobile trail maintained by the Bow Pioneers. The Chesley property is in the vicinity of other conserved land and will add to the overall City system of open space and trails. There will be no added maintenance cost, and there is potential value for the City from future timber sales.

The Commission held a public hearing on April 11, 2018. No public comments were received, and the Commission voted unanimously to recommend acceptance of the land for conservation purposes, contingent on a site walk. On April 17, 2018, the Conservation Commission conducted a publicly noticed site walk to observe existing site conditions. Commission members noted the quality of the forested land, and agreed that the land was worth protecting. In addition, members noted the importance of owning the entrance to the West End Farm Trail, which connects several private and City-owned conservation lands.

A title search was completed, and one issue was identified. In 1870, the title was passed to E.W. Chesley and James W. Lane. The chain of title confirmed that George and Roger Chesley are rightful owners as heirs to James Lane. However, with respect to E.W. Chesley, there was no probate and the title search company was unable to follow the chain of title to determine ownership. While it is a possibility that an heir to E.W. Chesley may someday seek title to the property, the Deputy City Solicitor and City Surveyor agreed that since the land is being donated to the City, they are not concerned and recommend filing a petition to quiet the title either before or after the acquisition of the property.

### **Discussion**

The assessed value of the property is \$30,300. The purpose of this donation is consistent with and presents no conflict or obstacle to the accomplishment of City Council goals, the Code of Ordinances, or the operating funds of the Planning Division and Conservation Commission.

Upon the City Council's approval of this report, City staff will move forward with the execution of the Quitclaim Deed and transfer of the property. In addition, City staff will work with the City Solicitor to file a petition to quiet the deed. A letter of thanks on behalf of the City of Concord Conservation Commission will be sent to Mr. George Chesley and Mrs. Roger Chesley.