



CITY OF CONCORD

REPORT TO MAYOR AND CITY COUNCIL

FROM: Matthew R. Walsh, Dir. of Redevelopment, Downtown Services
& Special Projects

DATE: October 9, 2018

SUBJECT: Granite Center Redevelopment Project
Additional Licenses for Private Improvements on City Property

Recommendation:

1. Accept this report; and,
2. Approve the attached consent report authorizing the City Manager to enter into License Agreements with Granite Center L.L.C. concerning the following private improvements on public property:
 - a. Installation, operation, and maintenance of a snow melt system for the handicap accessible ramp being constructed the North Main Street right-of-way;
 - b. Installation, operation, and maintenance of an irrigation system within the Bridge Street / Dixon Avenue right-of-way;
 - c. Installation, operation, and maintenance of a handicap accessible ramp, which may encroach into Eagle Square.

Background:

In August 2018, Granite Center L.L.C. acquired several properties in Downtown including, but not limited to, 4-6 Dixon and 8-14 Dixon, as well as 1 Eagle Square. The Developer is renovating these properties into a new mixed use project. The City Council approved a Development Agreement concerning various improvements on City property support this project. See City Resolution # 9116, which was approved by the City Council on July 9, 2018, for more information.

On September 10, 2018 the City Council approved Resolution #9132 concerning certain encroachments associated with the Developer's new "Storrs Street Plaza" into the Storrs Street and Dixon Avenue rights-of-way.

Discussion:

Construction of the project is currently underway and the Developer has determined it would like to pursue the following additional improvements. None of these improvements were included in the original Development Agreement:

- 1) Installations of a snow melt system within a handicap accessible ramp within the North Main Street right-of-way. Like other such ramps constructed as part of the recent Complete Street Project (CIP #460), the ramp will be owned by the City. However, the Developer, subject to City Council approval, would be granted a license to install, operate, and maintain a snow melt system within the new ramp. This is similar to arrangements in ramps located at Charter Trust, Phenix Hall, as well as the Love and Smile Buildings. The Developer would be responsible for all capital and operating costs associated with the heating system.
- 2) Installation of an irrigation system for the newly improved Doyen Park and “Gateway Plaza” areas, located in the Bridge Street / Dixon Avenue rights-of-way. Subject to City Council approval, the Developer would be granted a license to install, operate, and maintain said irrigation system. The system would be feed by either of the Developer’s properties at 4-6 Dixon Avenue or 8-14 Dixon Avenue. The Developer would be responsible for all capital and operating costs associated with the irrigation system.
- 3) Installation of a handicap accessible ramp from Eagle Square to the lower level entrance of 1 Eagle Square (i.e. the “Tandy’s” entrance into the Eagle Hotel). The ramp would replace existing steps, thus making pedestrian passage safer for the public.

The ramp would be predominantly located on the constructed on private property, which is encumbered by an easement benefiting the City which allows for public access and recreational purposes. Per the Developer’s concept, limited portions of the ramp may extend into Eagle Square. As the City Council may recall, Eagle Square is encumbered by certain covenants associated with Land and Water Conservation Funds (LWCF) which supported construction of Eagle Square in the early 1980s. These funds include covenants which run with the Park in perpetuity which generally prohibit private encumbrances of park land. However, the concept of the ramp, and potential limited encroachments therewith, has been reviewed with the New Hampshire Department of Cultural and Natural Resources (the entity responsible for the LCWF program at the State level). The NHDCNR has indicated in writing that minor encroachments into the park would be permissible as the ramp will enhance public access.

Because none of these items were included in the City’s Purchase and Sales / Development Agreement for the Granite Center Project, staff recommends that the City Council grant the City Manager the authority to enter into a License Agreement to permit the proposed private improvements.

Please see the attached plan for more information regarding proposed private improvements and the geography of the licensed area.