

# CITY OF CONCORD

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*In the year of our Lord two thousand and seventeen*

**RESOLUTION** AUTHORIZING AND APPROPRIATING THE SUM OF THREE HUNDRED THOUSAND DOLLARS (\$300,000) FROM THE CONSERVATION RESERVE PURCHASE OF PROPERTY FUND FOR THE PURCHASE OF TWO PARCELS TOTALING 116-ACRES WITHIN THE PENACOOK LAKE WATERSHED, LOCATED OFF OF LAKEVIEW DRIVE AND WEST PARISH ROAD (FY2017CIP #352), AND APPROVING THE ACQUISITION OF SAID OPEN SPACE WATERSHED PROTECTION PROPERTY

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*The City of Concord resolves as follows;*

**WHEREAS,** on April 12, 2004 the City adopted the provisions of RSA 36-A, re-establishing the Concord Conservation Commission with the power to acquire in the name of the city, subject to the approval of the local governing body, by gift, purchase, grant, bequest, devise, lease, or otherwise, the fee in such land or water rights, or any lesser interest, development right, easement, covenant, or other contractual right including conveyances with conditions, limitations or reversions, as may be necessary to acquire, maintain, improve, protect, or limit the future use of or otherwise conserve and properly utilize open spaces and other land and water areas within the city; and

**WHEREAS,** the FY2017 Capital Improvement Plan (CIP) included a project to purchase parcels or easements on parcels, CIP #352; and

**WHEREAS,** the Conservation Commission, under the provision of RSA 36-A, conducted a public hearing on August 9, 2017, after which the Conservation Commission members voted unanimously in the affirmative to exercise their authority with regard to obtaining two parcels legally described as: Tax Map 38Z Lot 37 and Map 51Z Lot 12; consisting of approximately 21.29 acres and 85.45 acres, respectively, the cost of which is expected to be not more than \$620,000; and

**WHEREAS,** the City of Concord was selected to be awarded \$320,000 in grants from the State of New Hampshire Department of Environmental Services (NHDES) for the purchase of this property; and

**WHEREAS,** the City of Council of the City of Concord, on December 12, 2016 by Resolution No. 8967, appropriated the sum \$300,000 from the State of NHDES Aquatic Resource Mitigation Grant Program and \$20,000 from the NHDES Local Source Water Protection Grant to acquire rights in land on Lakeview Drive and West Parish Road; and

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**WHEREAS,** the Conservation Commission may convey a conservation easement on the above-cited parcel to a local or statewide conservation organization as a means of ensuring the permanent protection of said parcel; and

**WHEREAS,** the Conservation Commission recommends the use of \$300,000 from the Conservation Reserve to fund this project; and

**WHEREAS,** these funds are drawn entirely from the Conservation Reserve and do not impact the amount to be raised in taxes; and

**WHEREAS,** the appropriation is for a purpose not included in the Fiscal Year 2018 adopted budget, therefore Section 37 of the City Charter requires a two-thirds vote of the City Council.

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

1.) The City Manager be authorized to execute the Warranty Deed acquiring the two parcels as described above:

2.) The sum of.....\$300,000  
be and is hereby appropriated as follows:

Open Space Capital Projects Fund  
Open Space Protection (CIP #352)..... \$300,000

3.) Revenue to meet said appropriations shall be provided from the following source:

Open Space Capital Projects Fund  
Conservation Reserve Purchase of Property Fund .....\$300,000

4.) Sums as appropriated shall be administered under the direction of the City Manager.

4.) This resolution shall take effect upon its passage.