

CITY OF CONCORD

In the year of our Lord two thousand and twenty-two

RESOLUTION APPROPRIATING THE SUM OF THIRTY-FOUR THOUSAND SIX HUNDRED DOLLARS (\$34,600) TO DEMOLISH, REMOVE, AND DISPOSE OF THE HAZARDOUS BUILDING AT 107-109 SOUTH MAIN STREET, CONCORD, NEW HAMPSHIRE, AND AUTHORIZING THE USE OF THIRTY-FOUR THOUSAND SIX HUNDRED DOLLARS (\$34,600) FROM GENERAL FUND UNASSIGNED FUND BALANCE FOR THIS PURPOSE

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The City of Concord resolves as follows:

WHEREAS, the building at 107-109 South Main Street, Map 7442Z, Lot 5 (formerly Map 28, Block 1, Lot 10) (the “Property”) is owned by Comain, LLC, which is a single member limited liability company owned by Timothy Boisvert of Hooksett, New Hampshire (“Property Owner”); and

WHEREAS, on October 4, 2016 the Code Administration Division posted the building on the Property as “uninhabitable” pursuant to the City of Concord’s Housing and Maintenance Code because it constituted a hazardous building; and

WHEREAS, the building on the Property continues to exist in a hazardous condition in violation of the City of Concord Code of Ordinances, Article 26-8, Hazardous Buildings and Structures and New Hampshire RSA Chapter 155-B Hazardous and Dilapidated Buildings; and

WHEREAS, on July 12, 2021, in the interests of public safety, the City Council of the City of Concord adopted a resolution ordering the Property Owner to—within 30 days—commence demolition of the building at the Property and remove all materials and existing debris on the Property; and

WHEREAS, through that same July 12, 2021 resolution, the City Council ordered the building at the Property be razed and removed pursuant to the authority granted under the City of Concord Code of Ordinances 26-8 and RSA chapter 155-B; and

WHEREAS, the Property Owner, to date, has not corrected the hazardous conditions on the Property nor has he demolished the structure despite multiple communications to that end from the City; and

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WHEREAS as a result of the Property Owner's non-compliance with the City Council's order, the City must now take necessary actions to protect the public health, safety, and welfare of Concord residents by undertaking the demolition of the property; and

WHEREAS, an appropriation for this demolition, removal and disposal in the amount of \$32,100 was approved by City Council at its June 13, 2022 meeting but was ultimately not spent in Fiscal Year 2022 and the authorization lapses on June 30, 2022; and

WHEREAS, due to the current inflationary environment, the selected contractor has increased the costs for the demolition, removal and disposal of the hazardous building from his original April estimate to the current amount of \$34,600; and

WHEREAS, this appropriation is for a purpose for which funding was not included in the Fiscal Year 2023 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 the City of Concord that:

1. The sum of\$34,600
be and is hereby appropriated as follows:

General Fund
Professional Services\$34,600

2. Revenue to meet said appropriation shall be from the following source:

General Fund
Unassigned Fund Balance.....\$34,600

3. Sums as appropriated shall be expended under the direction of the City Manager.

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4. The funds herein appropriated shall be expended under the direction of the City Manager for the purpose of proceeding under RSA 155-B to eliminate the hazardous building.
5. All monies expended for this purpose shall become a lien against the subject property pursuant to RSA 155-B:9, I, and said lien shall be filed with the Merrimack County Registry of Deeds. Upon settlement of the lien(s), all funds received up to the amount expended from the use of Fund Balance shall be returned to the same account first before any other distribution.
6. This resolution shall take effect upon its passage.