



CITY OF CONCORD

REPORT TO THE MAYOR AND CITY COUNCIL

FROM: Carlos P. Baía, Deputy City Manager – Development

DATE: August 3, 2016

SUBJECT: Purchase and Sales Agreement with Kate Ackerson and Ryan Kibbee of 126 Liberty Street to acquire abutting City Lot MBL 52/7/14.

Recommendation

Accept this report approving the attached resolution which authorizes the City Manager to enter into a Purchase and Sales Agreement with Kate W. Ackerson and Ryan W. Kibbee of 126 Liberty Street, for the sale of a +/- 1,200 s.f. City lot identified as MBL 52/7/14 to resolve an encroachment.

Background

In June 2016, the City was contacted by Ryan W. Kibbee, co-owner and resident at 126 Liberty Street, seeking to have the City confirm its property boundaries before Mr. Kibbee and his wife, Kate W. Ackerson, had a fence relocated. Mr. Kibbee's and Ms. Ackerson's residence appeared to abut White Park. Upon researching the matter and visiting the site, City Surveyor Paul Gendron found that the land on which a portion of Mr. Kibbee's and Ms. Ackerson's fence was located, as well as half of Mr. Kibbee's and Ms. Ackerson's driveway, were encroaching onto an abutting small City lot (MBL 52/7/14) that separated their property from the park.

The City has owned this narrow lot since 1933 when it was acquired in fee at the time of an abutting subdivision. Although the City has not found any explicit records as to the purpose of this lot, it could have been a reservation for some possible future utility extension or public access from Beacon Street to what is today Liberty Street.

Discussion

The City has no use for this property and for years it has been inaccessible to the public. The owners of 126 Liberty expressed an interest in resolving this matter to avoid having to remove half of their driveway. The City Assessor has estimated that this sliver of land would add about \$600 in value to Mr. Kibbee's and Ms. Ackerson's home lot. The couple has agreed to pay this amount for the land.

In addition to the purchase price, Mr. Kibbee and Ms. Ackerson would be required to survey the property, apply for a lot line adjustment with the Planning Board and prepare the necessary quitclaim deed—all at their expense—to appropriately incorporate the City land into their residential lot. All fees, taxes and charges associated with this transaction will be the couple's responsibility.

w/att:

- 1) Resolution
- 2) Draft P&S Agreement
- 3) Aerial map of site with encroachments noted and proposed lot line relocation
- 4) City deed