

Resolution No.

CITY OF CONCORD

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

RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND ACCEPT A REVISED PEDSTRIAN AND UTILITY EASEMENT DEED FROM THE OWNERS OF REAL ESTATE LOCATED AT 31 AND 35 SAMUEL DRIVE

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The City of Concord resolves as follows:

WHEREAS, On December 31, 2005, the Planning Board approved a 16-lot subdivision known as Little Pond Estates; and

WHEREAS, On February 24, 2006 the subdivision plat was recorded at the Merrimack County Registry Deeds (MCRD) as Plan #17750; and,

WHEREAS, The Little Pond Estates subdivision is served by Samuel Drive, a City maintained street, which was constructed as part of this development; and,

WHEREAS, The Planning Board's approval of this subdivision was conditioned upon the City receiving a 35' wide utility and pedestrian easement over Lots #7 and #8 as shown on Plan #17750.

WHEREAS, Said easement, which is held by the City, was recorded at Book 2869 Page 579 at the Merrimack County Registry of Deeds on February 24, 2006 and encumbers property located at 31 and 35 Samuel Drive; and,

WHEREAS, NH Housing Revocable Trust (owner of #31 Samuel Drive) requested that the City reduce the width of the pedestrian rights in said easement to a dimension which is less than 35' in width;

WHEREAS, A concept plan prepared by licensed civil engineer at the firm of Wilcox and Barton dated June 30, 2025 and revised on August 19, 2025 demonstrates that the width of the pedestrian easement rights can be reduced from 35' to 10' in width and still facilitate future construction of an Americans with Disabilities Act compliant sidewalk to connect Samuel Drive to City owned property while maintaining required soil coverage below said sidewalk for municipal water and sewer mains; and,

WHEREAS, Grading and snow storage for said sidewalk requires expansion of pedestrian easement rights on property located at 35 Samuel Drive, which is owned by the Kaitz Family Revocable Trust; and,

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WHEREAS, The Trustees of the Kaitz Family Revocable Trust have consented to the expansion of the pedestrian easement approximately 10' onto their property to for grading and snow removal associated with the pedestrian walkway.

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

1. The City Manager is hereby authorized to negotiate and accept a revised pedestrian and utility easement from the owners of #31 and #35 Samuel Drive.
2. The revised easement shall include expansion of easement area at property located at #35 Samuel Drive to facilitate grading and snow storage for the pedestrian walk way as shown on the documents provided with the accompanying staff report for this resolution to the City Council on October 14, 2025.
3. The owners of #31 and #35 Samuel Drive shall be responsible for preparation of necessary easement plans and deeds at their sole expense.
4. This resolution shall take effect upon its passage.