

# CITY OF CONCORD

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

**RESOLUTION      Relative to the public highway discontinuance of a portion of Broad Cove Drive in Concord, NH**

*The City of Concord resolves as follows:*

WHEREAS, Broad Cove Drive was originally laid out on October 22, 1847, as a 66 foot wide public highway right-of-way, and

WHEREAS, Broad Cove Drive is a City maintained Class V highway, and

WHEREAS, an abutting property located at 46 Broad Cove Drive owned by Robert M. Beaulac and known as Assessors Map 37Z, Lot 71, has an existing residential structure and other private improvements such as fences, stone walls, rock walls, plantings, the septic system, the leach field, and the septic system distribution box, constructed or erected within the public highway right-of-way, and

WHEREAS, Robert M. Beaulac has applied for a building permit to make certain modifications to his residential structure, and

WHEREAS, Robert M. Beaulac cannot obtain a building permit at this time due to the residential structure being located within the public highway right-of-way, and

WHEREAS, the complete discontinuance of a portion of Broad Cove Drive will only have the effect of removing the residential structure from the public right-of-way, and

WHEREAS, Robert M. Beaulac will convey a public storm drainage easement to the City for a storm water drainage area that will be on his private property as a result of the discontinuance, and

WHEREAS, the City Engineer has determined that the complete discontinuance of the portion of Broad Cove Drive identified below will not interfere with public travel or the City's maintenance along Broad Cove Drive and that the City does not require the discontinued portion for any foreseeable purpose; and

WHEREAS, on January 18, 2017, the Planning Board voted unanimously in support of Robert M. Beaulac's petition to discontinue a portion of the Broad Cove Drive public right-of-way identified below, and

WHEREAS, a city's governing body may, pursuant to NH RSA 231:43 (Power to Discontinue), vote to discontinue completely any Class IV, V, or VI highway, or any portion thereof.

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NOW, THEREFORE, BE IT RESOLVED:

Section 1: That the portion of Broad Cove Drive as described below and as shown on a plan entitled "Right of Way Discontinuance Plan land of Robert M. Beaulac, Assessors Map 37Z Lot 71, #46 Broad Cove Drive, Concord, New Hampshire," dated June 2016, prepared by T.F. Bernier, Inc., shall be discontinued completely as a public highway. Said legal description is more particularly described as follows:

Beginning at a stone bound to be set marking the most northeast corner of land now or formerly of Robert M. Beaulac located on the westerly sideline of Broad Cove Drive as it currently exists; thence

South 33° 21' 37" West along the westerly side line of Broad Cove Drive, a distance of 193.50 feet to a stone bound to be set; thence

South 32° 49' 15" West along the westerly side line of Broad Cove Drive, a distance of 7.50 feet to a stone bound to be set, said stone bound marking the most southeast corner of land of said Robert M. Beaulac; thence

South 57° 10' 45" East a distance of 15.47 feet to a stone bound to be set; thence

North 35° 32' 16" East a distance of 84.52 feet to a stone bound to be set, said stone bound being at a point of curvature; thence

By a curve to the left having a radius of 737.50 feet and a length of 116.62 feet to a stone bound to be set; thence

North 56° 38' 23" West a distance of 13.97 feet to the point of beginning.

Containing 3,532 square feet, more or less, and meaning and intending to describe the complete discontinuance of a portion of Broad Cove Drive.

Section 2: That Robert M. Beaulac waives all his rights to damages as a result of the complete discontinuance of the portion of Broad Cove Drive as described above and any

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damages or monetary consideration for the concurrent conveyance of a public storm  
drainage easement to the City.

Section 3: That this resolution shall become effective upon the date of passage.