

Orr&Reno

John L. Arnold
jarnold@orr-reno.com
Direct Dial 603.223.9172
Direct Fax 603.223.9072

September 8, 2023

City of Concord
City Council
37 Green Street
Concord, NH 03301
Attn: Janice Bonenfant, City Clerk

Dear Councilors:

I represent William Young Properties, LLC (“Mr. Young”), the owner of 8 Gale Street in Concord, Map 734, Block Z, Lot 1 (the “Property”). This letter is to request the restoration of involuntarily merged lots, pursuant to RSA 674:39-aa.

By way of background, the Property was originally created as two separate lots, pursuant to a subdivision plan entitled “Plan of House Lots, Concord, N.H.” dated July 1894 and recorded in the Merrimack County Registry of Deeds (“MCRD”) as Plan No. 13 (the “Plan”), a copy of which is attached as Exhibit A hereto. The Property consists of Lot 58 and Lot 59 as shown on the Plan.

Mr. Young acquired the Property earlier this year, pursuant to Warranty Deed recorded in the MCRD at Book 3835, Page 280, a copy of which is attached hereto as Exhibit B. That deed describes the Property as two separate tracts of land, consistent with the Plan. All prior deeds in the chain of title dating back to the Plan describe two separate tracts of land.

Upon information and belief, some time prior to 2010, the City involuntarily merged said lots 58 and 59 into a single lot, now identified as Tax Map 734, Block Z, Lot 1. See GIS Map attached hereto as Exhibit C.

RSA 674:39-aa provides that:


Lots or parcels that were involuntarily merged prior to September 18, 2010 by a city, town, county, village district, or any other municipality, shall at the request of the owner, be restored to their premerger status and all zoning and tax maps shall be updated to identify the premerger boundaries of said lots or parcels as recorded at the appropriate registry of deeds, provided:

- (a) The request is submitted to the governing body.**
- (b) No owner in the chain of title voluntarily merged his or her lots. If any owner in the chain of title voluntarily merged his or her lots, then all subsequent owners shall be estopped from requesting restoration. The municipality shall have the burden of proof to show that any previous owner voluntarily merged his or her lots.**

Accordingly, we request that the Property be restored to two separate lots, as shown on the Plan, and that the City's zoning and assessing records be updated to reflect said boundaries.

Please contact me with any questions, and thank you for your consideration.

Sincerely,



John L. Arnold

cc: William Young Properties, LLC

#4497939

RECEIVED

SEP 11 2023

Concord City Clerk's Office
41 Green Street
Concord, NH 03301

EXHIBIT A

Plan No. 13 -
 Recorded July 9 1894 - Concord - Vermont - Register

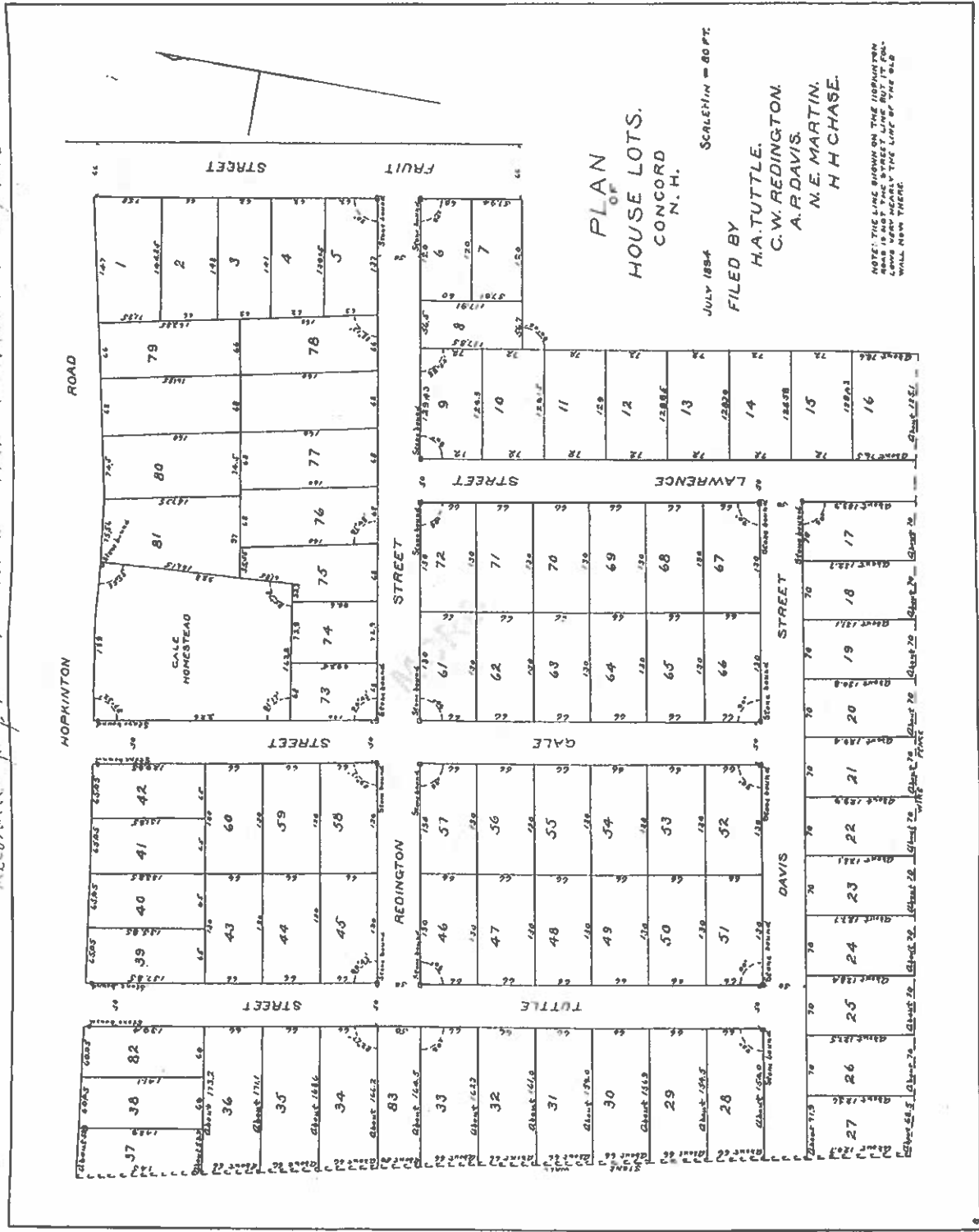


EXHIBIT B

Return to:
William Young Properties, LLC
69 Dover Road
Chichester, NH 03258

T.S. \$3,000

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS: That Jill Stirt, Successor Co-Trustee and Peggy George, Successor Co-Trustee of The Edward T. Laferriere Revocable Trust, under trust agreement dated July 19, 2007, of 8 Gale Street, Concord, New Hampshire 03301 for consideration paid grant(s) to William Young Properties, LLC, a New Hampshire Limited Liability Company, of 69 Dover Road, Chichester, New Hampshire 03258, with WARRANTY COVENANTS:

Two tracts of land with any buildings thereon located in Concord, County of Merrimack, State of New Hampshire, bounded and described as follows:

Tract I: Being Lot 58 as shown by a plan of lots formerly owned by Hiram A. Tuttle, et al, being situated at the corner of two streets.

Tract II: Beginning at a stake and stone on Gale Street north of the land now or formerly owned by Thomas Audette and running north sixty-six feet to a stake and stone to land now or formerly owned by Victor Demers; thence running westerly one hundred thirty feet to land now or formerly owned by John E. Baker; thence running southerly sixty-six feet to a stake and stone; thence running easterly one hundred and thirty feet to the point of beginning.

The property is not subject to homestead rights.

Trustee Certificate Pursuant to New Hampshire RSA 564-A:7 II: (1) The undersigned Trustees, as Successor Co-Trustees under The Edward T. Laferriere Revocable Trust created by Edward T. Laferriere as Grantor under declaration of trust dated July 19, 2007 (the "Trust Agreement"), has full and absolute power in said Trust Agreement to convey any interest in real estate and improvements thereon held in said trust and no purchaser or third party shall be bound to inquire whether the Trustees has said power or is properly exercising said power or to see to the application of any trust asset paid to the Trustees for a conveyance thereof. (2) The Trust Agreement is a trust as defined by New Hampshire RSA 564-A:1 I. (3) The trust has not been revoked and is still in full force and effect.

Meaning and intending to convey the same premises conveyed to Edward T. Laferriere, Trustee of The Edward T. Laferriere Revocable trust by virtue of a Deed from Edward T. Laferriere dated August 2, 2007 and recorded at Book 3009, Page 520 of the Merrimack County Registry of Deeds.

Executed this 22 day of August, 2023.

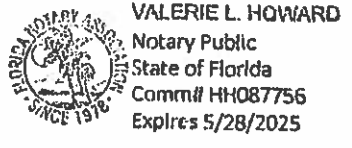
The Edward T. Laferriere Revocable Trust

Jill Stirt
Jill Stirt, Successor Co-Trustee

State of Florida
County of Alachua

Then personally appeared before me on this 22nd day of August, 2023, the said Jill Stirt, Successor Co-Trustee of The Edward T. Laferriere Revocable Trust and acknowledged the foregoing to be her voluntary act and deed.

Valerie L. Howard
Notary Public/Justice of the Peace
Commission expiration: 5/28/2025



Executed this 22nd day of August, 2023.

The Edward T. Laferriere Revocable Trust

Peggy George
Peggy George, Successor Co-Trustee

State of Florida
County of Alachua

Then personally appeared before me on this 22nd day of August, 2023, the said Peggy George, Successor Co-Trustee of The Edward T. Laferriere Revocable Trust and acknowledged the foregoing to be her voluntary act and deed.

Valerie L. Howard
Notary Public/Justice of the Peace
Commission expiration: 5/28/2025


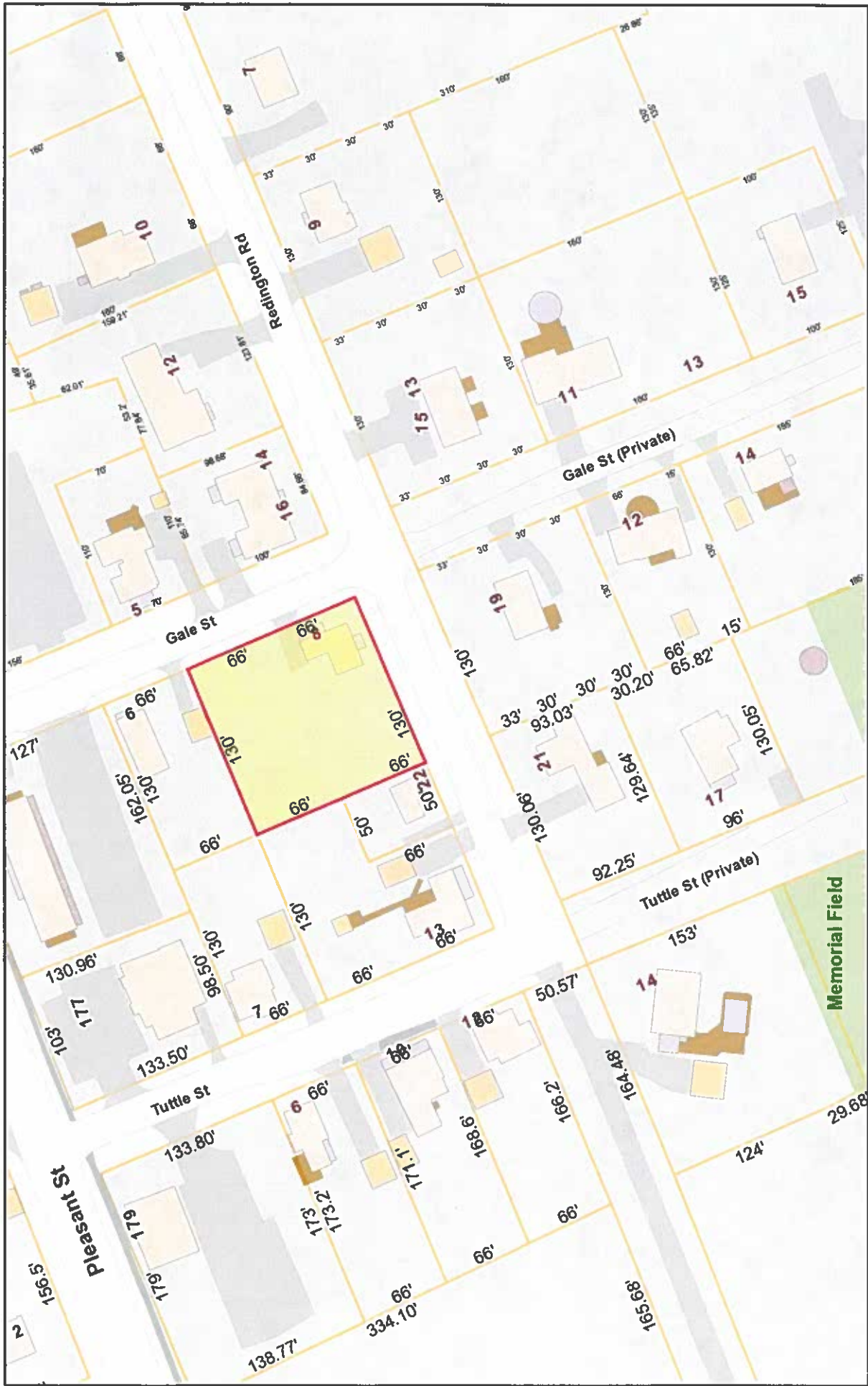
 VALERIE L. HOWARD
Notary Public
State of Florida
Comm# HH087756
Expires 5/28/2025

EXHIBIT C



September 8, 2023

1:1,200

