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John G. Cronin
Admitted in NH and MA

October 13, 2021

City Council
City of Concord
41 Green Street
Concord, New Hampshire 03301

Re: Petition to Discontinue Old Stickney Avenue

Dear Honorable Mayor and Councilpersons:

Our firm represents Brady Sullivan Properties (the “Petitioner”), the successful bidder for a portion of the land currently known as 11 Stickney Avenue, Concord, New Hampshire (the “Property”). For the reasons described herein, the Petitioner respectfully requests that the Council discontinue the unimproved portion of Stickney Avenue encumbering the Property and depicted on the plan attached hereto as Exhibit “A” as “[Old] Stickney Avenue.”

Stickney Avenue was originally laid out by the City of Concord in 1895. *See*, Exhibit “B.” The 1914 Insurance Maps of Concord, New Hampshire by the Sanborn Map Co., attached hereto as Exhibit “C,” show the original course of Stickney Avenue which ran between Bridge Street and Ferry Street. The State of New Hampshire acquired land to the west of the original Stickney Avenue in 1925 by a deed recorded in the Merrimack County Registry of Deeds at Book 479, Page 315, and in 1935 by deed recorded in the Merrimack County Registry of Deeds at Book 540, Page 341. The State of New Hampshire acquired land to the east of the original Stickney Avenue in 1948 through the deed recorded in the Merrimack County Registry of Deeds at Book 656, Book 471. The course of the Stickney Avenue was altered by the time of Interstate 93/Interstate 89 project in the late 1950’s as reflected on the plan recorded in the Merrimack County Registry of Deeds as Plan No. 1549. More specifically, the Stickney Avenue right of way had shifted easterly to land owned by the State of New Hampshire. *See, e.g.*, Exhibit “D.” While the course of Stickney Avenue subsequently changed again with changes to Interstate 93, the right of way remained to the east of the original course over land of the State of New Hampshire. Notwithstanding the repeated changes to the location of the Stickney Avenue right of way and its associated travel way, there is no record that the portion of Stickney Avenue which was laid out in 1895 and now encumbers a portion of the State property to the west of the relocated Stickney Avenue was ever discontinued.

The portion of Stickney Avenue encumbering the Property and the adjacent parcel represent a cloud on the title to both parcels. That cloud on the title may be remedied by a vote to discontinue “[Old] Stickney Avenue” as shown on Exhibit A. Accordingly, the Petitioner

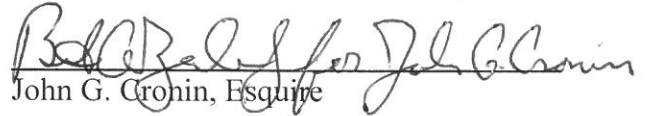
City Council
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requests a formal vote of discontinuance of that portion of Stickney Avenue as laid out in 1895 which is shown as “[Old] Stickney Avenue” on Exhibit “A.”

The State of New Hampshire c/o Secretary of State, 107 North Main Street, Concord, New Hampshire 03301, is the owner of the Property and as well as Tracts 3 and 5 as shown on Exhibit “A” and, therefore, the only abutter to the portion of Stickney Avenue subject to this petition.

Accordingly, the Petitioner respectfully requests that the City Council conduct a hearing on the proposed discontinuance and after said hearing, vote to discontinue that portion of Stickney Avenue, as laid out in 1895, shown as “[Old] Stickney Avenue” on Exhibit A. The discontinuance is subject to all documents being in a form and format that is acceptable to the City Solicitor and Director of General Services.

Sincerely yours,
CRONIN BISSON & ZALINSKY, P.C.


John G. Cronin, Esquire

JGC:lma
Enclosures

cc: Brady Sullivan Properties
New Hampshire Department of Transportation

Exhibit A

Exhibit B

1895.

THE FORTY-THIRD

ANNUAL REPORT

OF THE

RECEIPTS AND EXPENDITURES

OF THE

CITY OF CONCORD

FOR THE YEAR ENDING

DECEMBER 31, 1895.

TOGETHER WITH OTHER ANNUAL REPORTS AND PAPERS RELATING
TO THE AFFAIRS OF THE CITY.



CONCORD, N. H.:

IRA C. EVANS, PRINTER, 12 SCHOOL STREET.

1896.

CITY ENGINEER.

237

Paid for dynamite	\$17.75
freight	4.00
hardware	14.31
	<hr/>
	\$2,343.66
Frank P. Curtis	25.00
Blue prints	2.19
	<hr/>
Total	\$2,370.85

Average cost per foot, \$1.327.

Materials excavated, sand, quick-sand, gravel, and ledge.

Appropriation	\$2,500.00
Expended, 1895	2,370.85
	<hr/>
Balance January 1, 1896	\$129.15

STREETS LAID OUT.

Stickney avenue, Knight street, West Concord, and North Pembroke street.

GRADES ESTABLISHED.

South sidewalk, Washington street from Rumford to Essex street.

South sidewalk, Garden street from Rumford street west, 119.4 feet.

South sidewalk, Concord street from South State to Beaver street.

South sidewalk, Thorndike street from South Main street, 265 feet west.

Harvard street.

South sidewalk, Clinton street from Avon to Harvard street.

East sidewalk, South Spring street from Thompson to Lincoln street.

East sidewalk, Centre street (Penacook) from Spring street north.

North sidewalk, Spring street (Penacook) from Centre street east.

North sidewalk, Allison street from Badger to Mills street.

South sidewalk, Concord street from Beaver to South street.

STICKNEY AVENUE.

LAYOUT.

Commencing at a stone bound set in the northerly line of Bridge Street, (as occupied), said bound being 17.43 feet easterly from the easterly line of J.P. Stickney's double tenement house; thence running North 3° East, 586 feet to a stone bound; thence on the same course 1110.48 feet to a stone bound set on the southerly line of Ferry (as occupied). The last mentioned bound being 112.45 feet easterly of a stone bound set at the north-easterly corner of land of Mrs. J.M. Blake. The above described line is two feet easterly from the westerly line of the street and the street to be sixty (60) feet in width, at right angles, and to be known as Stickney Avenue.

W.B. Fove,

City Engineer.

October 16, 1895.

Exhibit C

INSURANCE MAPS
OF CONCORD



SANBORN
1914



Nov. 1914 CONCORD N.H.

Population 22500 Prevailing Winds N. West.

WATER FACILITIES

Water works owned by the city. Constructed in 1912. High service in 1913. Water supply from Penacook Lake. 285 acres (about 3 1/2 miles N.W. of State Capitol) and 175 N. above same. 1000 SERVICE - Gravity system. Pressure by State Capitol 40 lbs per sq. inch. 8000 - Water supplied by gravity to pumping station (5 feet in 200) thence pumped to stand pipe of two million gals. capacity by four Washington pumps, capacity two million gals. Each per diem average pressure 70 lbs. per sq. inch. High service pipes on N. and S. Main St. and on streets West of Jackson and N. Spring St. Penacook also has high service. The high service on N. and S. Main St. is for fire purposes only. 70 miles of iron water pipes. 450 public and 65 private hydrants. Average daily consumption, three million gals.

FIRE DEPARTMENT

11 Permanent men and 200 call men. One chief and four assistants. 15 horses. 100 (including chemical automobiles). One first class and two second class hookmen and one first class daily steam fire engine. Two hand engines. Ten hose & pumper trucks. One chemical engine with two 60 gal. chemical tanks. Seven hose wagons. One hose reel. 13000 ft. 2 1/2" hose.

Cameron fire alarm system, 55 boxes at Concord, 13 at Penacook.

Streets paved.
Public lights electric.

KEY	
	LOT
	STREET
	RAILROAD
	BRIDGE
	WATER
	PARK
	SCHOOL
	CHURCH
	PUBLIC BUILDING
	PRIVATE BUILDING
	STREET CAR LINE
	ELECTRIC STREET CAR LINE
	GAS MAIN
	WATER MAIN
	SEWER MAIN
	TELEPHONE LINE
	ELECTRIC POWER LINE
	FIRE HYDRANT
	FIRE ALARM BOX
	FIRE ENGINE
	FIRE HOSE REEL
	FIRE PUMPER TRUCK
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Nov. 1914
CONCORD
N.H.

EAST CONCORD
located 4 Miles N.E. of State Ho.

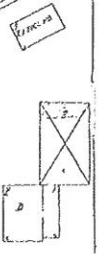
THE NEW ENGLAND GRANITE WORKS
AS GRANITE, SYENITE,
SANDSTONE, ETC.



SAMUEL ESTLIN COMPANY
MFG FIRE DIPS, SADDLES,
SADDLERY, ETC.

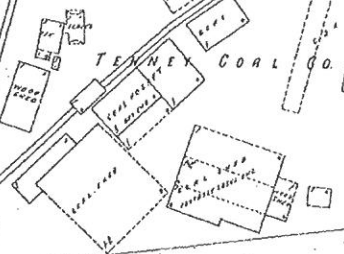
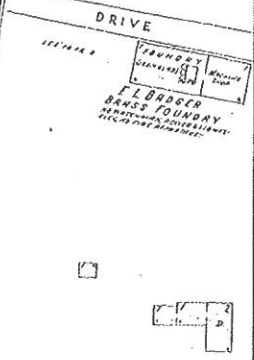


DEPOT

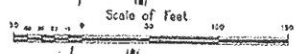


DRIVE

L. B. BODDER
BRASS FOUNDRY



STICKNEY AV.



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2A

Exhibit D

