



CITY OF CONCORD

REPORT TO THE MAYOR AND CITY COUNCIL

FROM: Concord Conservation Commission
Beth Fenstermacher, Senior Planner

DATE: 6/24/15

SUBJECT: Resolution authorizing the City Manager to enter into a Trail Agreement on land owned by Jane E. Raymond, northerly of District No. 5 Road, which will permit the construction and public use of a trail on this property and allow for the inclusion of the trail in the City's trail system

Recommendation

Authorize the City Manager to enter into a Trail Agreement on land owned by Jane E. Raymond, northerly of District No. 5 Road, which will permit the construction and public use of a trail on this property and allow for the inclusion of the trail in the City's trail system.

Background

The Trails Committee, a subcommittee of the Conservation Commission, is working to establish a trail that would connect Marjory Swope Park with other large open space parcels in West Concord, including Rossview Farm and Carter Hill Orchard.

The proposed trail would be utilized for non-motorized passive recreation including hiking, snowshoeing, cross-country skiing, mountain biking, horseback riding and other low impact recreational activities. The agreement would not permit public access across the property, other than within the limits of the trail. The Conservation Commission would manage and maintain these trails together with the other City trails through the Forestry Program. The trails would be blazed with markers, mapped with a GPS, and maps of the area, including this new trail if approved, would be included in the City's guidebook and posted on the website.

By opening the trails for public use, the Raymond family would benefit from RSA 508:14, Landowner Limited Liability, which states *"An owner, occupant, or lessee of land, including the state or any political subdivision, who without charge permits any person to use land for recreational purposes or as a spectator of recreational activity, shall not be liable for personal injury or property damage in the absence of intentionally caused injury or damage."*

Discussion

The Conservation Commission unanimously recommended that the City pursue a Trail Agreement with Jane E. Raymond to allow for the construction of a new trail and to permit public access on this trail. The trail would facilitate a connection between Marjory Swope Park, Rossvie Farm and Carter Hill Orchard. Ms. Raymond has already consented to the terms of the Trail Agreement.