



# CITY OF CONCORD

*New Hampshire's Main Street™*

## REPORT TO THE MAYOR AND CITY COUNCIL

**FROM:** Carlos P. Baía, Deputy City Manager-Development

**DATE:** March 26, 2019

**SUBJECT:** Resolution relative to the complete discontinuance of a public highway known as Osgood Street

### **Recommendation**

Accept this report and set the attached discontinuance resolution for public hearing.

### **Background**

In an August 9, 2018 letter, referred by City Council at its September 2018 meeting, Mr. Joseph R. Alosa Sr. petitioned for the discontinuance of Osgood Street. This street is approximately 190' in length. The right of way is located entirely between three properties, one owned by C500 Limited Partnership, of which JMA Realty Investment Corp. and Joseph R. Alosa Sr. are General Partners, and two owned by CFA Corporation, of which Denise Alosa is President and Marybeth Alosa is Director. All of these parties have submitted a formal petition requesting the discontinuance (attached). Over the years, Mr. Alosa and his employees have maintained the street segment in the winters. The road has, de facto, served as his company's driveway. Mr. Alosa is requesting the discontinuance to allow him to place a fence and gate at the entrance to Osgood Street to better secure his property.

### **Discussion**

Staff has reviewed this matter and determined that the City has no use for this right of way as it only serves the property owners referred above, and does not connect to any other public way.

It should be noted, that within the public right-of-way of Osgood Street, the State of New Hampshire owns an 84" subsurface storm water reinforced concrete pipe (RCP) that was designed and installed as part of the Interstate Route 93 improvements about 2002. The pipe is located along the northerly portion of Osgood Street, and the State has a drainage easement across a portion of the abutting properties to the north and the

east, both owned by CFA Corporation. The attached discontinuance resolution memorializes that this pipe will remain in effect as an encumbrance on the property.

The northerly property owned by CFA Corporation has frontage on both Osgood and Basin Streets. In staff's research on the petition, it was discovered that the City owns a +/- 600 s.f. narrow sliver of property along the face of the C500, Limited Partnership property on the south side of Osgood Street, known as 60 Basin Street. The City's property is known as MBL 14-1-3. This property was taken by tax deed in 2009 and is a remnant of when I-93 was laid out in the 1950's. The City's property, upon the discontinuance of Osgood Street, would eliminate all of the street frontage that Mr. Alosa, as a General Partner of C500 Limited Partnership, believed he had for 60 Basin Street and will create an illegal lot. To remedy this, Council is being asked to sell C500 Limited Partnership the property known as 14-1-3. A Purchase and Sales Agreement to that effect is on the April 8, 2019, City Council agenda.

Planning Staff has also required that Mr. Alosa merge his C500 Limited Partnership lot as well as merging the two CFA Corporation lots. Mr. Alosa has already filed the necessary paperwork for this action which can only take place upon conveyance of the City land.

The Planning Board reviewed this discontinuance petition at its March 20, 2019, meeting and unanimously voted to recommend approval.

w/att: August 9, 2018 Discontinuance Petition Letter from Mr. Alosa  
Discontinuance Petition  
Discontinuance Resolution  
GIS Map