

CITY OF CONCORD

In the year of our Lord two thousand and nineteen

RESOLUTION APPROVING THE ACQUISITION OF OPEN SPACE WATERSHED PROTECTION PROPERTY (CIP #352) ON DISTRICT 5 ROAD, AUTHORIZING THE EXPENDITURE OF TWO HUNDRED FORTY THOUSAND FIVE HUNDRED SEVENTY-FIVE DOLLARS (\$240,575) FROM THE CONSERVATION FUND, AND ACCEPTING AND APPROPRIATING THE SUM OF THREE HUNDRED FIFTY THOUSAND DOLLARS (\$350,000) IN GRANT FUNDS FROM THE STATE OF NH AQUATIC RESOURCE MITIGATION FUND AND ONE HUNDRED FOURTEEN THOUSAND FOUR HUNDRED TWENTY-FIVE DOLLARS (\$114,425) IN WETLANDS MITIGATION CONTRIBUTIONS FROM GJC ASSOCIATES FOR THIS PURPOSE

PAGE 1 OF 3

The City of Concord resolves as follows:

WHEREAS, on April 12, 2004 the City adopted the provisions of RSA 36-A, re-establishing the Concord Conservation Commission with the power to acquire in the name of the city, subject to the approval of the local governing body, by gift, purchase, grant, bequest, devise, lease, or otherwise, the fee in such land or water rights, or any lesser interest, development right, easement, covenant, or other contractual right including conveyances with conditions, limitations or reversions, as may be necessary to acquire, maintain, improve, protect, or limit the future use of or otherwise conserve and properly utilize open spaces and other land and water areas within the city; and

WHEREAS, the Capital Improvement Plan (CIP) included a recommendation to purchase land or easements for the purposes as provided in RSA 36-A noted as CIP # 352; and

WHEREAS, the protection of the land is a recommendation found in the Concord Conservation Commission Conservation Open Space Plan and acquisition of the land will provide permanent protection for the property, adding to a block of conservation land totaling nearly 1700 acres; and

WHEREAS, the Conservation Commission is exercising their authority with regard to obtaining two parcels legally described as: Tax Map 55Z Lot 1 and Map 55Z Lot 17; consisting of approximately 232 acres, the cost of which is expected to be not more than \$705,000; and

WHEREAS, the City of Concord was selected to be awarded a \$350,000 grant from the State of New Hampshire Department of Environmental Services (NHDES) Aquatic Resource Mitigation Grant Program for the purchase of this property; and

WHEREAS, the City Council authorized the City Manager to enter into grant agreements with the NH Department of Environmental Services on January 14, 2019 (Res #9158); and

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PAGE 2 OF 3

WHEREAS, GJC Associates has agreed to contribute \$114,425 to the City as compensatory mitigation for proposed wetland impacts for the Concord Orthopaedics parking lot expansion project to be used towards the purchase of the above-cited parcel; and

WHEREAS, the Conservation Commission intends to pay for the above-cited parcel with the proceeds of the grant and wetlands mitigation contribution, as well as the amount of up to \$240,575 from the current funds available to the Conservation Commission in the Conservation Fund; and

WHEREAS, by accepting and appropriating the grant funds and wetlands mitigation contribution, permanent protection will be ensured through deed restrictions, and the State of NH will hold an executory interest in said parcels; and

WHEREAS, this appropriation is for a purpose not included in the Fiscal Year 2019 adopted budget; therefore Section 37 of the City Charter requires a two-thirds vote of the City Council.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Concord that:

1. The City Manager be authorized to execute the Deed acquiring the two parcels as described above, at a cost to the City not to exceed \$705,000 is hereby approved; \$464,425 of said costs shall be covered by grant and wetlands mitigation funds, and up to \$240,575 shall be covered through the Conservation Trust Fund.

2. The sum of\$705,000
be and is hereby appropriated as follows:

Open Space Capital Project Fund
Open Space Protection project (CIP #352).....\$705,000

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PAGE 3 OF 3

3. Revenue to meet said appropriation shall be provided from the following sources:

<u>Open Space Capital Project Fund</u>	
Aquatic Resources Mitigation Fund Grant	\$350,000
GJC Associates Wetlands Mitigation Contribution	\$114,425
Conservation Trust Fund – Purchase of Land.....	<u>\$240,575</u>
Total	\$705,000

- 4. Sums appropriated shall be expended under the direction of the City Manager.
- 5. This resolution shall take effect upon its passage.