

CITY COUNCIL MEETING
AGENDA ITEM XI



CITY OF FRANKLIN
COUNCIL AGENDA REPORT
City Council Meeting of April 4, 2016

From: Brian Sullivan, Municipal Services Director
Subject: Acceptance of Land at the Former Ash Landfill Site

Recommended Motion for Acceptance of land:

"I move that the Franklin City Council authorize the City Manager and the Mayor to execute and approve all documents and deeds necessary to finalize the transfer of land from the CRSWRRRC to the City of Franklin, subject to final review and approval by the City Attorney.

Discussion / Concurrences:

As you will remember, The Concord Regional Solid Waste Resource Recovery Cooperative [CRSWRRRC, aka the Coop] operated the ash land fill located off of Punch Brook Road. With the closing of the landfill, the City is scheduled to be deeded a parcel of excess land on the overall landfill site. The Coop has been before the Franklin Planning Board for the consolidation and subdivision of the parcels that comprised the landfill. The plan, approved by the Board on January 27, 2016, showed the new configuration for the lot to be retained by the Coop and the lot to be deeded to the City.

The land to be deeded to the City is largely undeveloped except for some assorted stockpiled material [loam, catch basins or manholes, etc.]. This land will be subject to some easements reserved by the Coop for a forced sewer main line that ties into the city sewer system in the area of the industrial park. The land to be deeded to the City has been subject to a Site Plan Approval by the Planning Board for the location for one of the solar farm projects. Without question, the City will benefit from the acceptance of this land.

Once the draft deed is received, it will be given to the City Attorney for his review, comment, and approval.

Fiscal Impact:

Other than this land going into the broader inventory of municipal property, there will not be any significant fiscal impact from accepting this deeded property. The Solar Farm, and the lease revenues generated will have a positive benefit for the City.

Alternatives:

The Council can vote to not accept the land, which will have an adverse impact on FY 2017 revenues from the Solar Farm lease funds.

This deed is exempt
from transfer stamps
pursuant to RSA 78-B:2, I
as a transfer between
two subdivisions of
the State of NH.

COPY

QUITCLAIM DEED

CONCORD REGIONAL SOLID WASTE/RESOURCE RECOVERY COOPERATIVE, a New Hampshire non-profit cooperative corporation, in good standing, with its principal place of business of P.O. Box 157, Franklin, NH 03235, for consideration paid, grant to the **CITY OF FRANKLIN**, a New Hampshire municipal corporation, in good standing, with a principal place of business of 316 Central Street, Franklin, NH 03235 with **QUITCLAIM COVENANTS**:

A certain tract or parcel of land situate on the north side of Punch Brook Road in the **City of Franklin, County of Merrimack and State of New Hampshire** being the lot labelled "Resulting Parcel Tax Map 82, Lot 409" as shown on a plan entitled "Lot Consolidation & Resubdivision Plan, Land of Concord Regional Solid Waste Resource Recovery Cooperative, Punch Brook Road, "A" Street & Salisbury Road (NH Route 127), Franklin, NH" draw by T.F. Bernier, Inc., scale 1"=120', dated December, 2015, as revised and recorded as Plan # _____ in the Merrimack County Registry of Deeds and more particularly bounded and described as follows:

Beginning at a granite bound on the north side of Punch Brook Road at the most southerly point of the premises herein described;

Thence running on the arc of a curve to the left, said curve having a radius of 785.00 feet and a delta angle of 27° 03' 36", a distance of 370.75 feet by the northerly sideline of Punch Brook Road to a point of tangency;

Thence turning and running S 79° 57' 43" W a distance of 190.04 feet by the northerly sideline of Punch Brook Road to a stone wall;

Thence turning and running S 88° 25' 56" W a distance of 57.58 feet by said stone wall and the north side of Punch Brook Road to a point in said stone wall;

Thence turning and running N 72° 31' 59" W a distance of 56.09 feet by said stone wall and the north side of Punch Brook Road to a point in said wall;

Thence turning and running N 76° 05' 43" W a distance of 42.83 feet by the north side of Punch Brook Road to a point;

Thence turning and running N 73° 09' 58" W a distance of 63.53 feet by the north side of Punch Brook Road to a point;

Thence turning and running N 78° 55' 00" W a distance of 104.51 feet by the north side of Punch Brook Road to a point;

Thence turning and running N 80° 33' 16" W a distance of 58.05 feet by the north side of Punch Brook Road to a 5/8" rebar found;

Thence turning and running N 77° 10' 39" W a distance of 87.47 feet by the north side of Punch Brook Road to a point;

Thence turning and running N 70° 26' 39" W a distance of 102.57 feet by the north side of Punch Brook Road to a 5/8" rebar found;

Thence turning and running N 01° 24' 59" E a distance of 1,135.50 feet by land now or formerly of Robin Tucker Gonthier to a 5/8" rebar found;

Thence turning and running N 88° 35' 01" W a distance of 200.00 feet by land of said Gonthier to a 5/8" rebar found on the east side of "A" Street;

Thence turning and running N 01° 24' 59" E a distance of 39.04 feet by the east side of "A" Street to a 5/8" rebar found on the east side of "A" Street;

Thence turning and running S 88° 35' 01" E a distance of 200.00 feet by land now or formerly of Diane L. Ball to a 5/8" rebar found;

Thence turning and running N 01° 24' 59" E a distance of 195.20 by land of said Ball to a 5/8" rebar found in a stone wall;

Thence turning and running N 87° 48' 18" E a distance of 24.93 feet by a stone wall and other land of Concord Regional Solid Waste Resource Recovery Cooperative (hereinafter "CRSWRRC" to a point in said stone wall;

Thence turning and running S 88° 45' 23" E a distance of 33.55 feet by said stone wall and other land of CRSWRRC to a point in said stone wall;

Thence turning and running S 89° 38' 27" E a distance of 47.41 feet by said stone wall and other land of CRSWRRC to a point in said stone wall;

Thence turning and running N 88° 45' 42" E a distance of 54.37 feet by said stone wall and other land of CRSWRRC to a point in said stone wall;

Thence turning and running S 72° 05' 55" E a distance of 39.94 feet by said stone wall and other land of CRSWRRC to a point in said stone wall;

Thence turning and running S 70° 38' 34" E a distance of 1.64 feet by said stone wall and other land of CRSWRRC to a 5/8" iron rod set;

Thence turning and running N 01° 01' 21" E a distance of 377.77 feet by other land of CRSWRRC to a point a 5/8" iron rod set;

Thence turning and running S 88° 58' 39" E a distance of 289.91 feet by other land of CRSWRRC to a drill hole found at the end of a barbed wire fence;

Thence continuing on the same course as the prior course a distance of 678.56 feet still by other land of CRSWRRC to a 5/8" iron rod set;

Thence turning and running S 57° 33' 20" E a distance of 167.95 feet by other land of CRSWRRC to a point in a stone wall;

Thence continuing on the same course as the prior course a distance of 451.88 feet still by other land of CRSWRRC to a 5/8" iron rod set;

Thence turning and running S 24° 16' 28" W a distance of 231.70 feet by other land of CRSWRRC to a 5/8" iron rod set;

Thence turning and running S 30° 28' 11" E a distance of 436.19 feet by other land of CRSWRRC to a 5/8" iron rod set;

Thence turning and running S 01° 34' 24" E a distance of 31.76 feet by a barbed wire fence by land now or formerly of Franklin Commons Realty Group, LLC to a point in said fence;

Thence turning and running S 04° 49' 50" W a distance of 322.01 feet by said barbed wire fence and by land of said Franklin Commons Group to a point in said fence;

Thence turning and running S 11° 48' 15" E a distance of 17.40 feet still by other land of said Franklin Commons Group to a 5/8" iron rod set;

Thence turning and running S 04° 13' 00" W a distance of 153.59 feet by said barbed wire fence and by land of said Franklin Commons Group to a point;

Thence turning and running S 00° 50' 13" W a distance of 53.32 feet by land now or formerly of RD Edmunds Land Holdings to a granite bound found;

Thence turning and running N 82° 32' 11" W a distance of 320.00 feet by land now or formerly of the City of Franklin to a granite bound found;

Thence turning and running S 60° 02' 45" W a distance of 231.26 feet by land of said City of Franklin to a granite bound found;

Thence turning and running S 49° 23' 28" W a distance of 205.81 feet still by other land of said City of Franklin to a granite bound found;

Thence turning and running S 17° 01' 19" W a distance of 136.89 feet by land of said City of Franklin to a granite bound found at the point of beginning. Containing 65.232 acres.

Together with the right to pass and repass by foot or vehicle and for use as a utility easement over a 50 foot wide gravel road right-of-way as depicted on the aforesaid Plan as "Proposed 50' wide Utility Easement running in a generally southerly direction as the continuation of said Gravel Road/Existing 50' Wide Utility Easement in favor of the City of Franklin as depicted on said Plan and as shown on Plan 13389 in said Registry.

Subject to a 225 foot wide power transmission line corridor in favor of PSNH as depicted on said Plan and as described in Easement Deeds recorded at Book 502, Page 283 and at Book 693, Page 40 all in the Merrimack County Registry of Deeds.

Subject to Current Use Tax Notice in favor of the City of Franklin dated July 10, 1995 and recorded at Book 1992, Page 621 in said Registry.

Subject to Current Use Tax Notice in favor of the City of Franklin recorded May 25, 1990 at Book 1838, page 2181 in said Registry.

Subject to the right to remove timber from that part of Tax Lot 409-82 as shown on Plan 13387 in favor of Stanley Weglarz for a period of 25 years as described in the deed of Stanley Weglarz to Concord Regional Solid Waste/Resource Recovery Cooperative dated April 12, 1996 and recorded at Book 2018, Page 764 in said Registry;

Meaning and intending to describe and convey as follows:

1. A portion of the land herein described being a portion of the land described in the Warranty Deed of J. Dale McLeod to Concord Regional Solid Waste Resource Recovery Cooperative dated January 6, 1992 and recorded at Book 1874, Page 1416 (being a portion of the property shown on Plan 12307 and being merged into Tax Lot 82-409 by this deed); and
2. A portion of the land herein described being a portion of the land described in the Warranty Deed of the City of Franklin to Concord Regional Solid Waste Resource Recovery Cooperative dated June 13, 1998 and recorded at Book 1726, Page 621 (being most of Lot 2, Plan 10265 which is being merged into Tax Lot 82-409 by this deed); and
3. A portion of the land herein described being a portion of the land described in the Warranty Deed of Stanley A. Weglarz to Concord Regional Solid Waste Resource Recovery Cooperative dated April 12, 1996 and recorded at Book 2018, Page 764 (being the part of Tax Lot 82-408 being annexed to Tax Lot 82-409 as shown on Plan 13387 and a portion of that lot is being merged into Lot 82-409 by this deed); and
4. A portion of the land herein described being a portion of the land described in the Warranty Deed of Dennis Beaumier and Gabriel Cayer to Concord Regional Solid Waste Resource Recovery Cooperative dated April 12, 1996 and recorded at Book 2064, Page 232 (being the part of Tax Lot 82-401 on Plan 14019 being merged into Lot 82-409 by this deed); and
5. A portion of the land herein described being all of the land as described in the Quitclaim Deed of the City of Franklin to Concord Regional Solid Waste Resource Recovery Cooperative dated August 18, 1997 and recorded at Book 2068, Page 1726 (being all of Tax Lot 83-9 which is being merged into Lot 82-409 by this deed);
6. A portion of the land herein described being all of the land as described in the Warranty Deed of Raymond L. Emerson, III and Lillian R. Emerson to Concord Regional Solid Waste Resource Recovery Cooperative dated September 22, 1995 and recorded at Book 1999, Page 796 (being all of Tax Lot 83-10 as shown on Plan 13425 which is being merged into Lot 82-409 by this deed).

Witness my hand this _____ day of March, 2016.

CONCORD REGIONAL SOLID WASTE/
RESOURCE RECOVERY COOP.

Witness

BY: _____
William G. Herman, *CHM*
Chairman of the Board
Duly Authorized ~~_____~~

STATE OF NEW HAMPSHIRE
COUNTY OF MERRIMACK, SS

On this the _____ day of March, 2016, before me, the undersigned officer, personally appeared William G. Herman, in his capacity as Chair of the Board of Concord Regional Solid Waste/Resource Recovery Coop., known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same in his capacity as Chairman of the Board of Concord Regional Solid Waste/Resource Recovery Coop., for the purposes therein contained.

Before me,

Notary Public/Justice of the Peace
Printed Name:
My Commission Expires: