AGENDA

SPECIAL MEETING
BOARD OF MAYOR AND ALDERMEN
(ROAD HEARING)

June 23, 2008 **5:30 PM**
Mayor and all Aldermen **Aldermanic Chambers**
City Hall (3rd Floor)

1. Mayor Guinta calls the meeting to order.

2. Mayor Guinta calls for the Pledge of Allegiance.

   A moment of silence is observed.

3. The Clerk calls the roll.

4. Mayor Guinta advises that the purpose of the road hearing is to hear those wishing to speak in favor of or in opposition to the proposed street discontinuance petitions, followed by a viewing the area petitioned and determination of the action to be taken on such petitions. The Public Works Director will be requested to make a presentation, following which, those wishing to speak in favor will be heard, followed by those wishing to speak in opposition. Anyone wishing to speak must first step to the nearest microphone when recognized and state his/her name and address in a clear, loud voice for the record. Each person will be given only one opportunity to speak and any questions must be directed to the Chair.

   A. *Petition for layout and discontinuance of a portion of Elm East Back Street (aka Manhattan Lane; aka Harry Theo Drive).*

Mayor Guinta requests Kevin Sheppard, Public Works Director to make a presentation.

Mayor Guinta calls for those wishing to speak in favor of the petition.

Mayor Guinta calls for those wishing to speak in opposition of the petition.

B. *Petition for discontinuance of a portion of Union East Back Street.*

Mayor Guinta requests Kevin Sheppard, Public Works Director to make a presentation.

Mayor Guinta calls for those wishing to speak in favor of the petition.

Mayor Guinta calls for those wishing to speak in opposition of the petition.

C. *Petition for discontinuance of a portion Phillippe Cote Street.*

Mayor Guinta requests Kevin Sheppard, Public Works Director to make a presentation.

Mayor Guinta calls for those wishing to speak in favor of the petition.

Mayor Guinta calls for those wishing to speak in opposition of the petition.

5. Mayor Guinta advises that a motion is in order to recess the hearing and proceed to view the areas identified in the petitions as presented.

6. Mayor Guinta calls the meeting back to order at the site of the first petition.

   Item 4A: *Petition for layout and discontinuance of a portion of Elm East Back Street (aka Manhattan Lane; aka Harry Theo Drive).*
   Ladies and Gentlemen, what is your pleasure?
   (After a vote has been taken on the disposition of the petition, a motion would be in order to recess the meeting and proceed to the next area petitioned.)

7. Mayor Guinta calls the meeting back to order at the site of the second petition.

   Item 4B: *Petition for discontinuance of a portion of Union East Back Street.*
   Ladies and Gentlemen, what is your pleasure?
   (After a vote has been taken on the disposition of the petition, a motion would be in order to recess the meeting and proceed to the next area petitioned.)

8. Mayor Guinta calls the meeting back to order at the site of the third petition.

   Item 4C: *Petition for discontinuance of a portion Phillippe Cote Street.*
   Ladies and Gentlemen, what is your pleasure?

9. Mayor Guinta advises that this being a special meeting of the Board, no further business can be presented and a motion to adjourn would be in order.

Petition for Discontinuance of Phillippe Cote Street

To the Honorable Board of Mayor and Aldermen of the City of Manchester:

The Undersigned respectfully represents that for the accommodation of the public there is occasion for discontinuing a highway:

Beginning at a point on the westerly sideline of Commercial Street at its intersection with the southerly sideline of Cote Street (currently known as Phillippe Cote Street) at a point of curvature; said point being the southeasterly corner of the parcel herein described;

Thence, westerly, northerly and easterly along the right of way of Phillippee Cote Street laid out by the Board of Mayor and Aldermen on June 3, 2003 by the following courses: N63°19'24"W 16.83' to a point; thence, S70°29'23"W 172.81'to a point; thence, N87°28'07"W 45.93' to a point; thence, N19°59'35"W 19.96' to a point in the original line of Phillippee Cote Street; thence, along a curve to the right having a radius of 86.98 feet, an arc distance of 57.83 fee and a chord of N39°21'56"W 57.83 feet to a point; thence, North 20°19'05" West, a distance of 306.98 feet; along a curve to the right having a radius of 113.00 feet, an arc distance of 87.30 feet; along a curve to the right having a radius of 141.50 feet, an arc distance of 152.84 feet; North 85°49'50" East, a distance of 90.65 feet; along a curve to the left having a radius of 19.00 feet, an arc distance of 32.22 feet to the westerly sideline of Commercial Street;

Thence, southerly along said Commercial Street: along a curve to the left having a radius of 1530.00 feet, an arc distance of 87.97 feet to the southerly sideline of Cote Street at a point of curvature;

Thence, westerly, southerly and easterly along said Cote Street on the following courses: along a curve to the left having a radius of 19.00 feet, an arc distance of 26.38 feet; South 85°49'50" West, a distance of 102.96 feet; along a curve to the left having a radius of 175.00 feet, an arc distance of 52.06 feet; along a curve to the left having a radius of 55.00 feet, an arc distance of 29.15 feet; along a curve to the left having a radius of 77.00 feet, an arc distance of 78.94 feet; South 20°19'05" East, a distance of 304.68 feet; a curve to the left having a radius of 39.98 feet, an arc distance of 62.58 feet; North 69°59'55" East, a distance of 159.95 feet; along a curve to the left having a radius of 19.00 feet, an arc distance of 26.04 feet to the westerly sideline of Commercial Street;

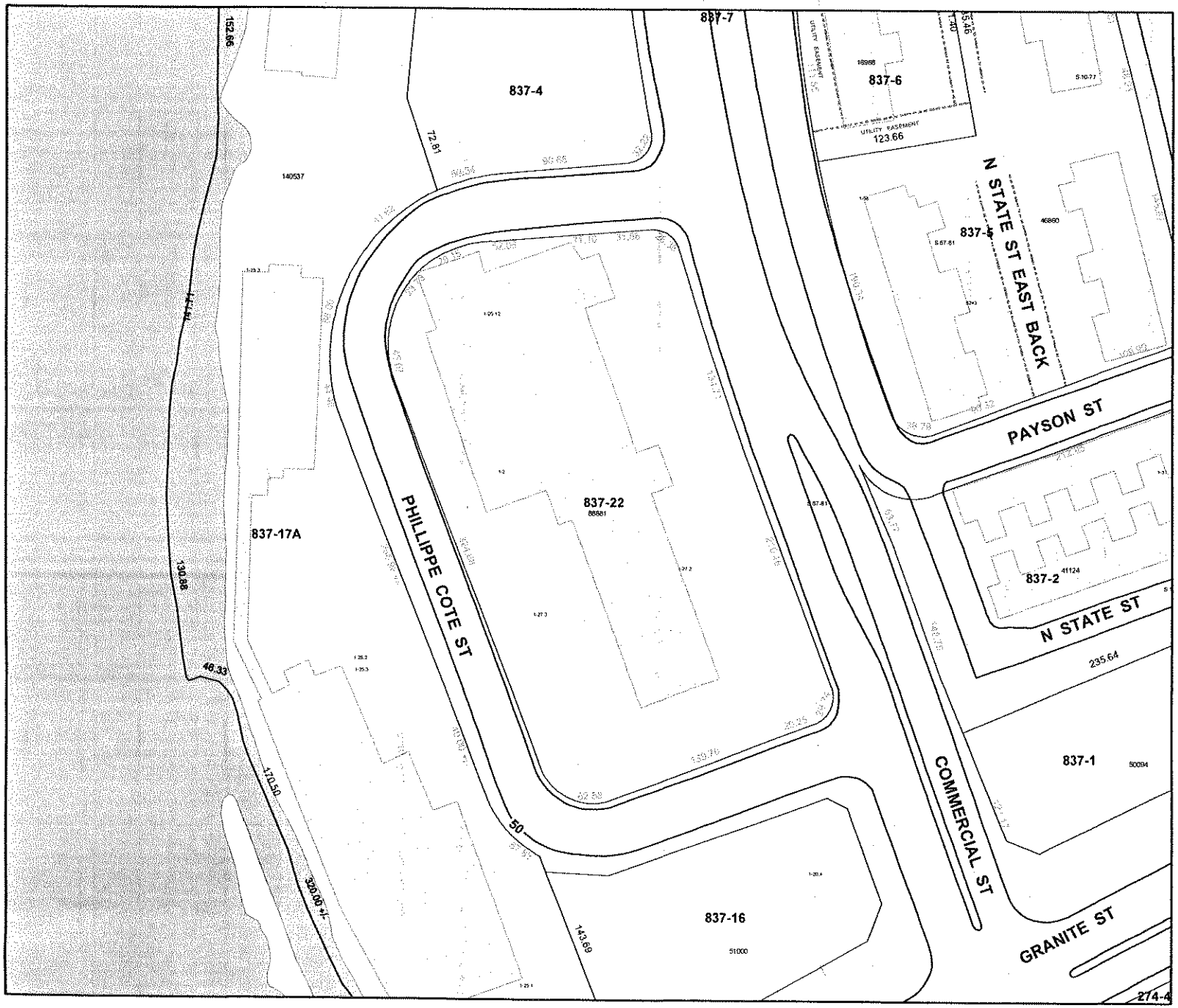
Thence, southerly along said Commercial Street: South 08°30'44" East, a distance of 85.26 feet to the point or place of beginning.

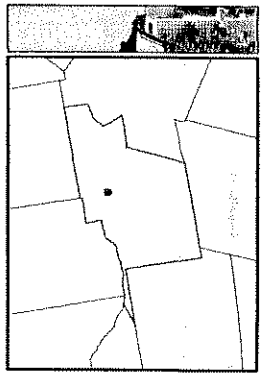
He, therefore, requests that you discontinue the above-described Phillippe Cote Street.

Dated at the City of Manchester, New Hampshire this 29th day of May 2008

By:_____

Jay Minkarah, Economic Development Director





Area Map Showing Extent Of Map At Left

Legend

- Parcels
- Easements
- Building
- Deck
- Foundation
- Other Building
- Pool Above Ground
- Pool Below Ground
- Tank
- Roads
- Lake / Pond
- River
- Wet Area
- Stream
- Surrounding Towns

City of Manchester, New Hampshire - CityGIS Map Print

0 35 70 140 Feet

DISCLAIMER

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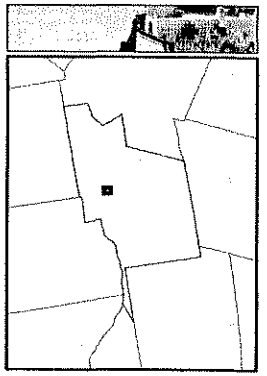

Area Map Showing Extent Of Map At Left

Legend

Parcels

Surrounding Towns

Aerial Photos - 2005

RGB

Red Band_1

Green Band_2

Blue Band_3

City of Manchester, New Hampshire - CityGIS Map Print

0 75 150 300 Feet

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Phillippe Cote Discontinuance
Abutters List

CITY OF MANCHESTER TRAFFIC DEPARTMENT
480 HAYWARD ST
MANCHESTER NH 03104

1848 ASSOCIATES
340 COMMERCIAL ST
MANCHESTER NH 03101-1121

1850 ASSOCIATES LTD PRTNRSHP
340 COMMERCIAL ST
MANCHESTER NH 03101

To the Board of Mayor and Aldermen of the City of Manchester:

The Committee on Community Improvement respectfully recommends, after due and careful consideration, that a petition for discontinuance of a portion of Union East Back Street beginning at Concord Street and running Northerly 270.55 to Lowell Street be referred to a Road Hearing with the date to be set by the City Clerk.

(*Unanimous Vote*)

Respectfully Submitted,

Clerk of Committee

May 6, 2008. In Board of Mayor and Aldermen.
On motion of Alderman O'Neil, duly seconded by Alderman Pinard, it was voted to accept, receive and adopt the report.

City Clerk
Deputy

Kevin A. Sheppard, P.E.
Public Works Director

Commission
William A. Varkas
Joan Flurey
William F. Houghton Jr.
Robert R. Rivard

CITY OF MANCHESTER
Highway Department

April 15, 2008

Community Improvement Committee of the Board of Mayor and Aldermen
City Hall
c\o Carol Johnson, City Clerk
One City Hall Plaza
Manchester, New Hampshire 03101

RE: PETITION FOR DISCONTINUANCE OF A PORTION OF UNION EAST BACK STREET

Dear Committee Members,

We have reviewed the referenced item and have found the following:

- ***Union East Back Street*** was originally dedicated by plan of the Amoskeag Company as a 270' long by 20' wide passageway. The date of that plan is unknown but it appears to be earlier than 1893.
- The City laid out ***Union East Back Street*** August 1852 and the action recorded is recorded in the City Clerk's Highway, Streets and Bridges book 1 page 63.
- The Highway Department maintains this section of street.
- There is a City sewer main running through the southerly 256 feet of the petitioned area, however, it services only the buildings abutting the alley. There is no tie to the sewer in Lowell Street.
- There are utility poles carrying aerial wires in this section of ***Union East Back Street***

The Highway Department supports the discontinuance of ***Elm East Back Street*** subject to a reservation of a utility easement for the full length and width of the petitioned area.

Sincerely,

Kevin Sheppard, P.E.
Public works director

MJM
CC: file

227 Maple Street • Manchester, New Hampshire 03103 • (603) 624-6444 • FAX: (603) 624-6487
E-mail: hiway@manchesternh.gov • Website: www.manchesternh.gov

Area Map Showing Extent Of Map At Left

Legend

Parcels
Easements
Building
Deck
Foundation
Other Building
Pool Above-Ground
Pool Below-Ground
Tank
Roads
Railroads
Lake / Pond
River
Wet Area
Stream
Excavation Monadnock
Wooded Areas
Surrounding Towns

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0 30 60 120 Feet

City of Manchester, New Hampshire - CityGIS Map Print

City of Manchester
Honorable Board of Mayor and Aldermen

Re: **Petition to Discontinue a Portion of Union Street East Back**

To Members of the Board of Mayor and Aldermen:

The undersigned, as the owner of Tax Map 20, Lots 10A, 11, 12 and 28, with a mailing address of 555 Union Street, Manchester, NH 03104 petitions the Board of Mayor and Aldermen for a discontinuance of a portion of Union Street East Back and state as follows:

This request is for a discontinuance of the portion of Union Street East Back beginning at Concord Street and running northerly 270.55 to Lowell Street.

THEREFORE the undersigned respectfully requests that the Board of Mayor and Aldermen discontinue the of Union Street East Back between Concord and Lowell Streets and described as follows:

Beginning at a point at the intersection of the northern line of Concord Street with the western line of Union East Back Street 100.12 feet easterly of the eastern line of Union Street; then

a) northerly by said western line of Union East Back Street 270.55 feet; then
b) easterly by the southern line of Lowell Street 20.0 feet; then
c) southerly by the eastern line of Union East Back Street 270.55 feet; then
d) westerly by the northern line of Concord Street 20.0 feet to the point of beginning.

Respectfully Submitted,

Boys & Girls Club Of Manchester

By: _____

Name: Gary L. Frost
Title: Executive Director
Duly Authorized

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April 1, 2008 2:27:23 PM

RECEIVED
APR 0 7 2008
CITY CLERK'S OFFICE

To the Board of Mayor and Aldermen of the City of Manchester:

The Committee on Community Improvement respectfully recommends, after due and careful consideration, that a petition:

Layout and discontinuance of a portion of Elm East Back Street
(AKA Manhattan Lane, AKA Harry Theo Drive)

be referred to a Road Hearing at a date to be set by the City Clerk.

(Unanimous vote)

Respectfully submitted,

Clerk of Committee

April 1, 2008. In Board of Mayor and Aldermen.
On motion of Alderman Pinard, duly seconded by Alderman O'Neil, it was voted to accept, receive and adopt the report.

City Clerk

City of Manchester
Department of Highways

227 Maple Street
Manchester, New Hampshire 03103-5596
(603) 624-6444 Fax # (603) 624-6487

Commission
Edward J. Beleski
- Chairman
Joan Flurey
William F. Houghton Jr.
Robert R. Rivard
William A. Varkas

Frank C. Thomas, P.E.
Public Works Director

Kevin A. Sheppard, P.E.
Deputy Public Works Director

February 6, 2008

Community Improvement Committee of the Board of Mayor and Aldermen
City Hall
c\o Leo R. Bernier, City Clerk
One City Hall Plaza
Manchester, New Hampshire 03101

RE: PETITION FOR LAYOUT AND DISCONTINUANCE OF A PORTION OF ELM EAST BACK STREET, AKA MANHATTAN LANE, AKA HARRY THEO DRIVE

Dear Committee Members,

We have reviewed the referenced item and have found the following:

- ***Elm East Back Street*** was originally dedicated by plan of the Amoskeag Company as a 220' long by 20' wide passageway. The date of that plan is unknown but it appears to be earlier than 1893.
- No acceptance of that dedication or return of layout for ***Elm East Back Street*** was found in the records of the City Clerk.
- However, it appears the street has public status by implied acceptance by the City and/or prescriptive use by the public.
- The 120.2' of this street running south from Cedar Street was discontinued by the Board of Mayor August 7, 2007.
- The Highway Department maintains this section of street.
- The records of the Highway Department indicate a City sewer pipe lies in this section of the street. At a minimum, these pipes require a reservation of easement rights to the City, although the Highway Department prefers a reservation of a utility easement over the entire width and length of the petitioned area.

RECEIVED
FEB 1 1 2008
CITY CLERK'S OFFICE

The Highway Department supports the discontinuance of ***Elm East Back Street- Harry Theo Drive*** subject to a reservation of a utility easement and provided all the abutters are in favor of the discontinuance.

Sincerely,

Kevin Sheppard, P.E.
Public Works Director

MJM
CC: file

CITY OF MANCHESTER
Office of the City Clerk

Carol A. Johnson
City Clerk

Matthew Normand
Deputy City Clerk

MEMORANDUM

TO: Kevin Sheppard
Public Works Director

FROM: Matthew Normand
Deputy City Clerk

DATE: February 6, 2008

RE: Petition for Discontinuance of a portion of Elm Street East Back.

Enclosed is a copy of a petition and related information being forwarded for comment pursuant to Rule 19 of the Board of Mayor and Aldermen. Please respond to the Committee on Community Improvement at your earliest convenience.

McLane

McLane, Graf,
Raulerson &
Middleton

Professional Association

NINE HUNDRED ELM STREET • P.O. BOX 326 • MANCHESTER, NH 03105-0326
TELEPHONE (603) 625-6464 • FACSIMILE (603) 625-5650

PETER B. ROTCH
Direct Dial: (603) 628-1305
Internet: peter.rotch@mclane.com

RECEIVED
FEB 05 2008
CITY CLERK'S OFFICE

OFFICES IN:
MANCHESTER
CONCORD
PORTSMOUTH

February 4, 2008

City of Manchester
Board of Mayor and Aldermen
c/o Carol A. Johnson, City Clerk
One City Hall Plaza
Manchester, NH 03101

Re: **Discontinuance of Southerly Portion of Elm Street East Back**

Dear Ms. Johnson:

I am enclosing a Petition to Discontinue that portion of Elm Street East Back from Auburn Street northerly to the line of the August 7, 2007 discontinuance. You will recall that the Board of Mayor and Aldermen voted to discontinue the northerly portion of Elm Street East Back on August 7, 2007. I am enclosing a petition signed by the current owners of Tax Map 144, Lot 5, a consent to the discontinuance by the owner of Tax Map 144, Lot 4 and a sketch plan showing the portion being discontinued.

If you need additional information at this time, please let me know.

Very truly yours,

Peter B. Rotch

PBR/dim
Enclosures

cc: William Theodosopoulos

70541
2084856_1.DOC
February 4, 2008 4:36:25 PM

City of Manchester
Honorable Board of Mayor and Aldermen

Re: **Petition to Discontinue a Portion of Elm Street East Back /Harry Theo Drive**

To Members of the Board of Mayor and Aldermen:

The undersigned, being the owners of Tax Map 144, Lot 5, with a mailing address of 30 Auburn Street, Manchester, NH 03101 do hereby petition the Board of Mayor and Aldermen for a discontinuance of a portion of Elm Street East Back/Harry Theo Drive and state as follows:

1. On August 7, 2007 the Board of Mayor and Aldermen discontinued the northern portion of Elm Street East Back beginning at Cedar Street and extending southerly 120.2 feet.
2. This request is for a discontinuance of the southerly portion of Elm Street East Back beginning at Auburn Street and running northerly 100.18 to the point of the August 7, 2007 discontinuance. Such discontinuance will be subject to the reservation of easement rights of the City for utility purposes.
3. The owner of Tax Map 144, Lot 4, known as 501 Elm Street, which parcel is at the corner of Auburn and Elm Streets supports this discontinuance request.

NOW THEREFORE, the undersigned respectfully request that the Board of Mayor and Aldermen discontinue the southerly portion of Elm Street East Back /Harry Theo Drive northerly of Auburn Streets and described as follows:

Beginning at a point, said point being the intersection of the northerly line of Auburn Street with the westerly line of Elm East Back Street, 100.1 feet west of the easterly line of Elm Street; thence northerly by said line of Elm East Back Street 100.18 feet; thence easterly perpendicular to said street line 20.0 feet across Elm East Back Street to a point on the easterly street line; thence southerly 100.18 feet by the easterly line of Elm East Back Street to a point on the northerly line of Auburn Street; thence westerly by the southerly line of Auburn Street and across Elm East Back Street to the point of beginning.

Respectfully Submitted,

_____
William Theodosopoulos

The Lambros Theodosopoulos Irrevocable Grantor Income Trust of 1988
By: _____
William Theodosopoulos, Trustee

30 Auburn Street, LLC
By: _____

CONSENT TO DISCONTINUANCE

The undersigned, being the owner of a parcel of land in Manchester, New Hampshire identified as Tax Map 144, Lot 4 and known as 501 Elm Street, does hereby consent to the discontinuance of Elm Street East Back, submitted by the owners of Tax Map 144, Lot 5, known as 30 Auburn Street.

MDF Properties, LLC

By: _____
Mark D. Filip, Manager

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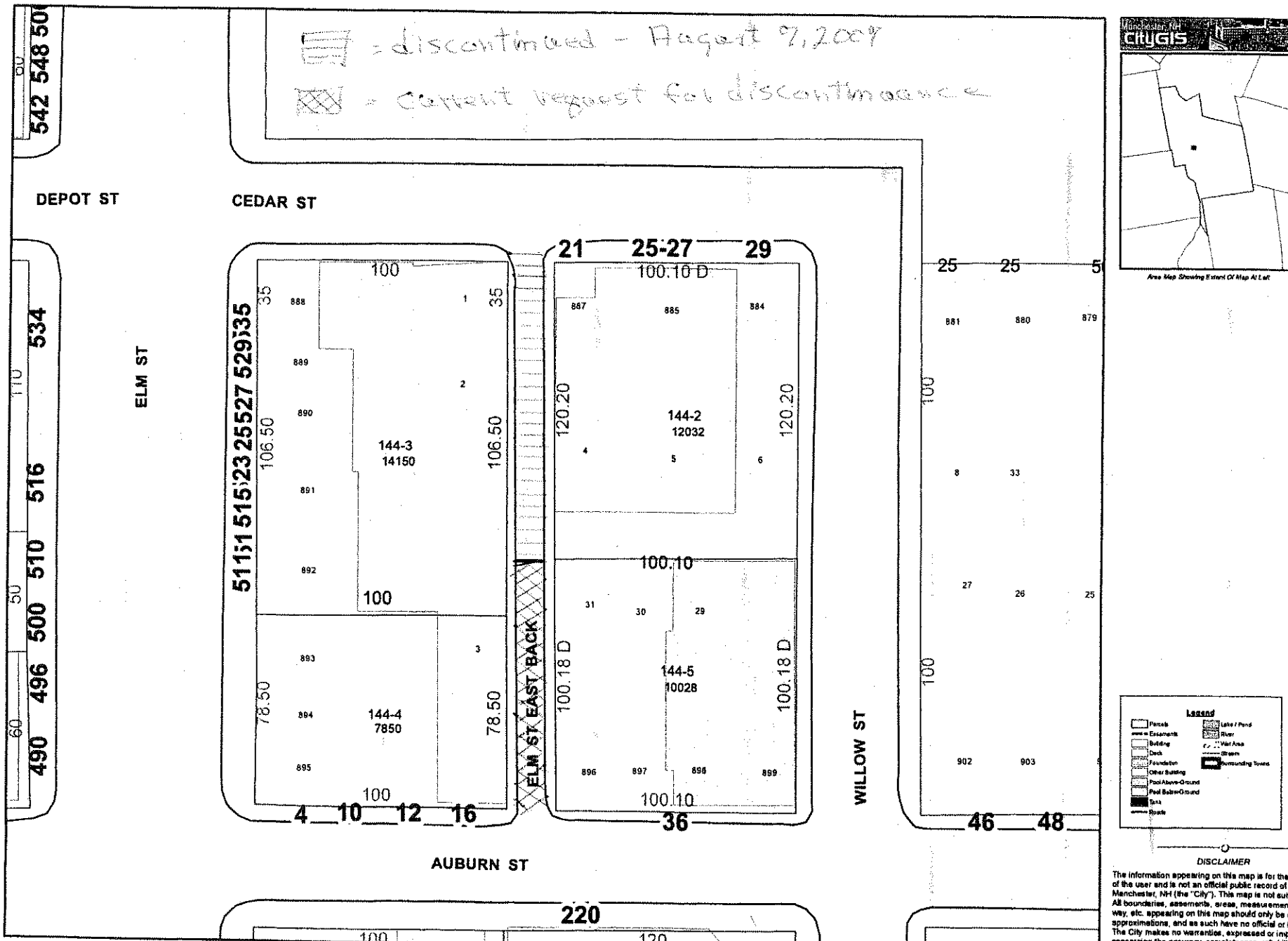
January 25, 2008 3:47:03 PM



Area Map Showing Extent Of Map At Left

City of Manchester, New Hampshire - CityGIS Map Print

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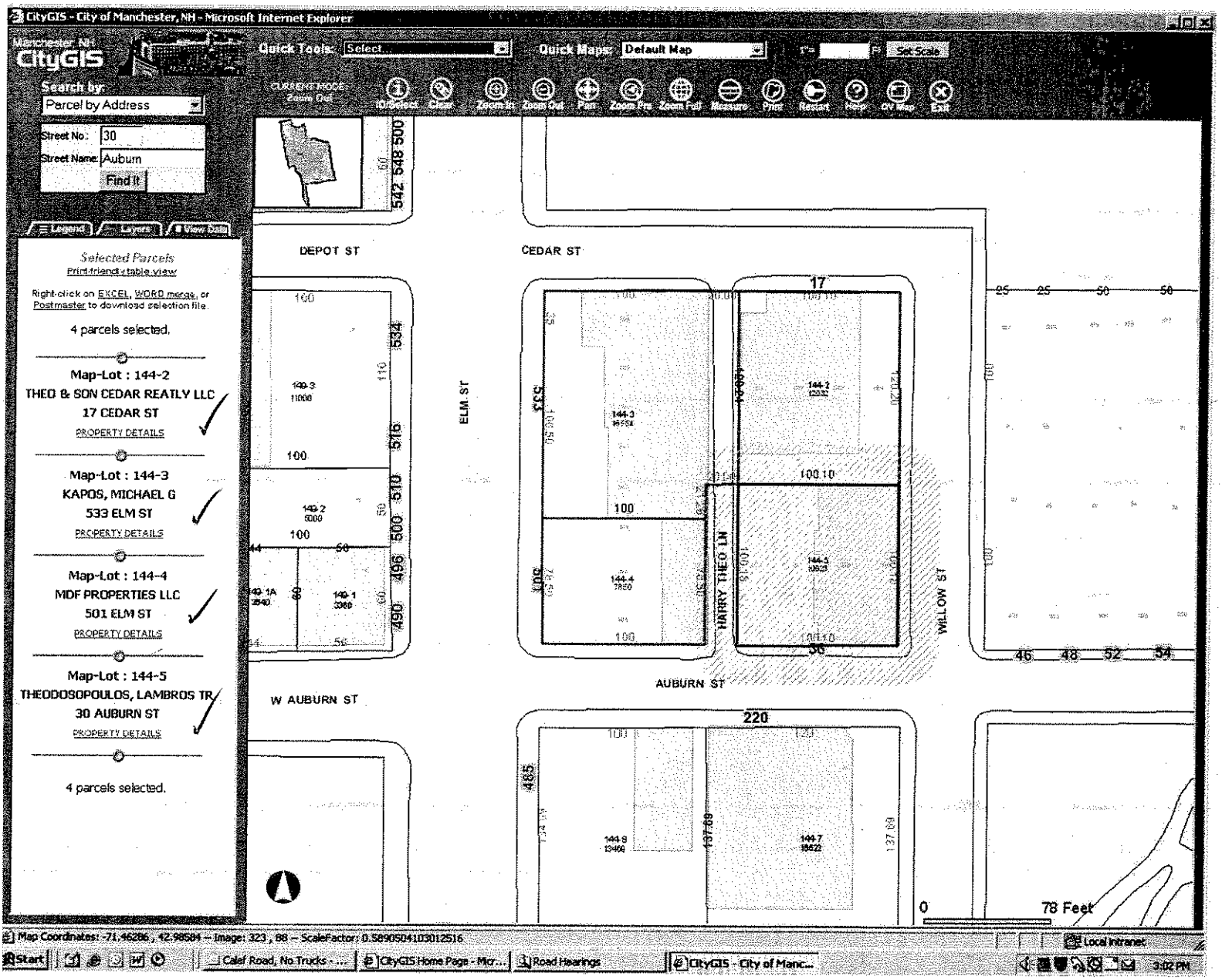

Monday, Jun 09, 2008 03:02 PM