

AGENDA

SPECIAL MEETING BOARD OF MAYOR AND ALDERMEN (ROAD HEARING)

September 3, 2008
Mayor and all Aldermen

Immediately following Public Hearing
Aldermanic Chambers
City Hall (3rd Floor)

1. Mayor Guinta calls the meeting to order.
2. The Clerk calls the roll.
3. 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 petition, followed by a viewing of the area petitioned and determination of the action to be taken on such petition. 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 discontinuance of the paper street portion of Chandler Street.*
4. Mayor Guinta requests Kevin Sheppard, Public Works Director, to make a presentation.
5. Mayor Guinta calls for those wishing to speak in favor.
6. Mayor Guinta calls for those wishing to speak in opposition.

7. Mayor Guinta advises that a motion is in order to recess the hearing and proceed to view the area identified in the petition as presented.
8. Mayor Guinta calls the meeting back to order at the site of the petition.

Item 4A

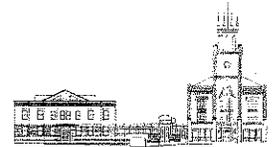
Petition for discontinuance of the paper street portion of Chandler Street.

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.



CITY OF MANCHESTER
Office of the City Clerk



Carol A. Johnson
City Clerk

Matthew Normand
Deputy City Clerk

MEMORANDUM

TO: Committee on Community Improvement
Aldermen Garrity, Shea, O'Neil, Gatsas, and Smith

FROM: Matthew Normand 
Deputy City Clerk

DATE: August 4, 2008

RE: Petition for Discontinuance of a Portion of Chandler Street

Please find the attached Petition for Discontinuance of the paper street portion of Chandler Street. If the Committee so desires, a motion would be in order to refer the petition to Road Hearing at a date to be set by the City Clerk's Office.

pc: Kevin Sheppard, Public Works Director

DEVINE
MILLIMET

ATTORNEYS AT LAW

June 9, 2008

HARPER R. MARSHALL
T 603.695.8645
F 603.669.8547
HMARSHALL@DEVINEMILLIMET.COM

VIA HAND DELIVERY

City of Manchester
Office of the City Clerk
One City Hall Plaza
Manchester, NH 03101

Re: Petition for Discontinuance of the paper street portion of Chandler Street

Dear Sir or Madam:

Enclosed please find the Petition for Discontinuance of the paper street portion of Chandler Street. Enclosed are the original petition and included attachments along with 14 complete copies.

If you have any questions regarding the petition or require further information, please contact me directly.

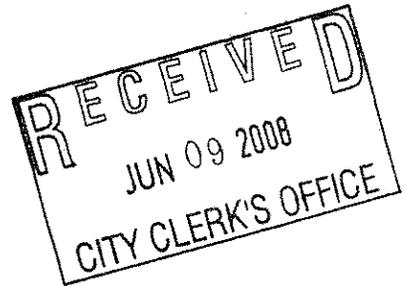
Very truly yours,



Harper R. Marshall

Enclosures

cc: Karen S. McGinley, Esq. (w/o enclosures)



June 9, 2008

Board of Mayor and Alderman
City of Manchester
c/o the City Clerk
One City Hall Plaza
Manchester, NH 03101

Re: Petition for Discontinuance of the paper street portion of Chandler Street

To The Honorable Board of Mayor and Alderman of the City of Manchester:

The undersigned respectfully represent that any public servitude in the paper street portion of Chandler Street is believed to have been discontinued long ago but records reflecting the same have not been located although a diligent search has been made of the City of Manchester Highway Department records and the City Clerk's records of highways and bridges. Therefore, the undersigned represent that for the accommodation of the public there is occasion to confirm the discontinuance from the public servitude the paper street portion of the highway known commonly as Chandler Street and more particularly described as follows:

A certain strip of land, situate in Manchester, Hillsborough County, New Hampshire, being a portion of Chandler Street as shown on a Plan of the land of Amoskeag Manufacturing Company (copy of excerpt of page 70 attached, obtained from the records of the Manchester Historic Association) and described as follows:

Commencing at a point on the easterly side of said strip, which point is the southwesterly corner of Lot 5443 as shown on the Amoskeag Plan (which point is believed to be the southwesterly corner of Tax Parcel 165-18); thence

- 1. In a generally northerly direction along the westerly sides of Lots 5443, 3025 and 2619 all as shown on the Amoskeag Plan a distance of 300 feet, more or less, to West Webster Street; thence*
- 2. In a generally westerly direction along West Webster Street a distance of 50 feet to easterly side of Lot 3012 as shown on said Amoskeag Plan; thence*
- 3. In a generally southerly direction along the easterly side of Lot 3012 and a portion of Lot 3349 for a distance of 300 feet, more or less, to a point directly opposite the point of beginning; thence*
- 4. In a generally easterly direction a distance of 50 feet to the point of beginning.*

Being 15,000 square feet, more or less.

Exhibit A, attached hereto and made a part of this petition, contains the above referenced excerpt of the Amoskeag Plan, a copy of the GIS map showing the City of Manchester assessing map for the vicinity, and a copy of a portion of the aerial view from said GIS records, each highlighted to show the general location of the paper street portion of Chandler Street for which discontinuance of the public way, if any, is sought.

Existing easements for water, sewer, storm drain, gas lines and other utilities shall continue and although public service access shall be terminated by virtue of said requested discontinuance, the rights of the appropriate utility companies or governmental agencies or departments to service and maintain said utilities shall continue.

The undersigned petitioners are the owners of the premises over and across which said way is presently located and therefore request you to discontinue the paper street on the route as hereinbefore described.

Respectfully submitted,

Order of Saint Benedict of New Hampshire

(owner of Tax Parcel 165-14)

By: _____
Mark Cooper O.S.B., Treasurer

The Courville at Manchester, LLC

(owner of Tax Parcel 165-17)

By: LaQuinta Holdings I, Inc., Manager

By: 
Richard G. Courville, its duly authorized
President

1850 Elm Street, LLC

(owner of Tax Parcel 165-18)

By: _____
Bernard Gamache, Manager

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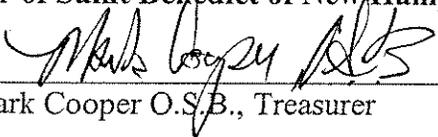
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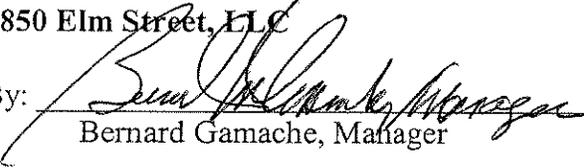
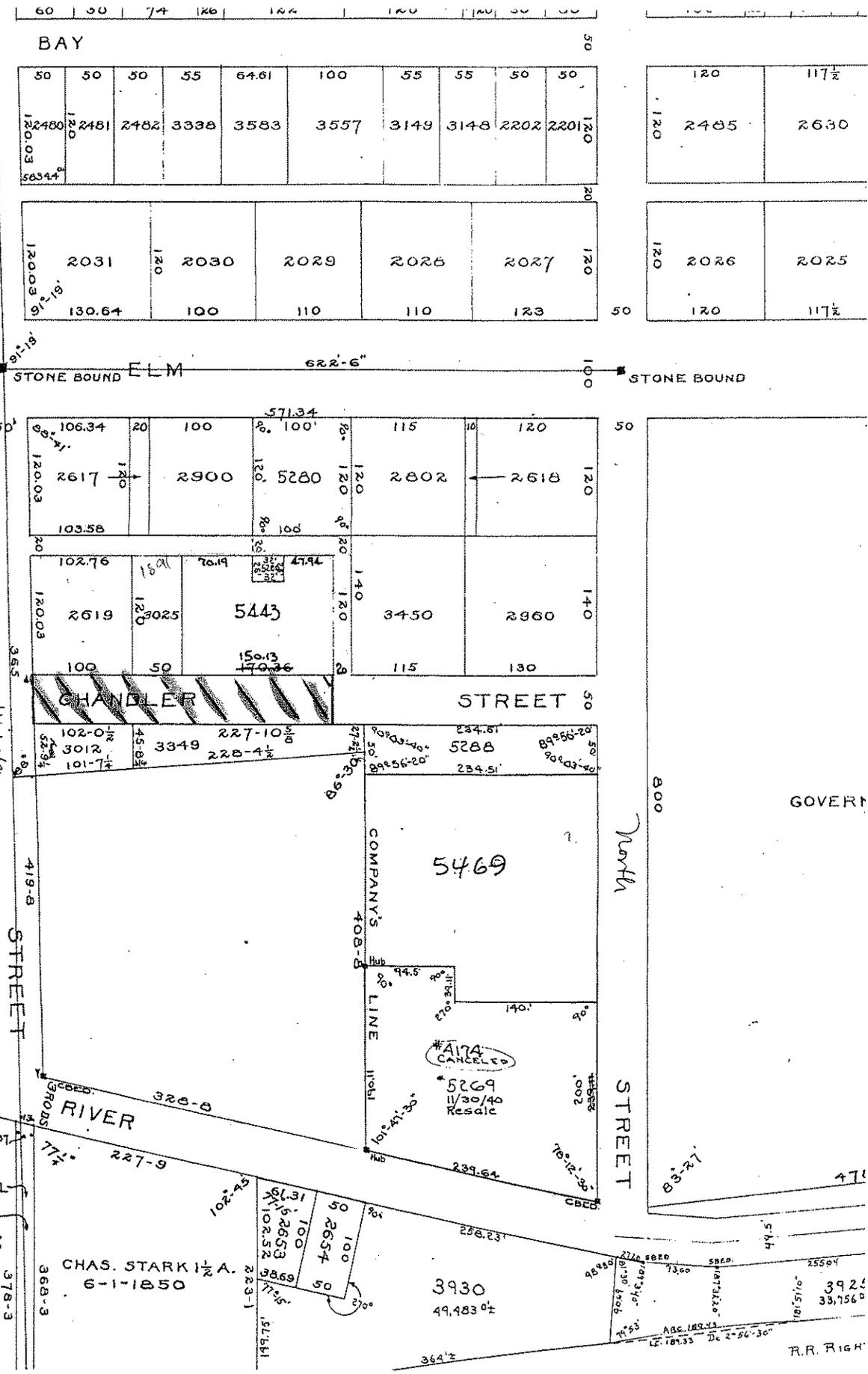
By: 
Bernard Gamache, Manager

Exhibit A
(see 3 attached plans)

Page 70 from the records of Amoskeag Mfg
 plans at Manchester Historic Area



3A-7



3A-9

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



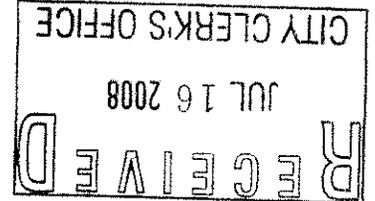
Commission
William A. Varkas
Henry Bourgeois
Joan Flurey
William F. Houghton Jr.
Robert R. Rivard

CITY OF MANCHESTER
Highway Department

JUL 15 2008

July 14, 2008
#08-054

C.I.P. Committee of the Honorable Board of
Mayor and Aldermen
CITY OF MANCHESTER
One City Hall Plaza,
Manchester, New Hampshire 03101



Attn: Carol A. Johnson, City Clerk

Re: *Petition for Discontinuance of a Portion of Chandler Street*

Dear Committee Members:

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

Chandler Street is a small street west of Elm Street between West Webster Street and West North Street. The petitioned portion of this street runs southerly from West Webster Street, through the building at 44 West Webster Street, to the northern end of the paved portion of Chandler Street.

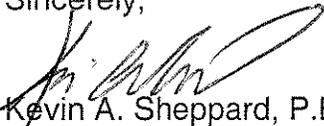
The original dedication appears on Amoskeag Corporation's map 70, but no record of the City accepting this dedication or laying out a street in this location was found in the City Clerk's records. Several petitions were found, a layout petition dated December 6, 1946, a layout petition dated June 9, 1962 and a petition dated May 11, 1960 to layout then discontinue the northerly 300.23 feet of the street. The disposition of none of these petitions was found.

There is some indication there once was a street in that location. Highway Department plan #2038, dated 1908, shows the design of grade and curbing and survey field notes dated 1891 show the street intersecting West Webster Street. A sewer was designed and installed in the southerly portion of the street. Therefore, it is possible there was an implied acceptance of Chandler Street by the City. The public has not used the street for over five years, so the status would be a Class VI.

July 14, 2008
Pg. (2)

It appears the City does not have sewer or drain lines in the petitioned part of the street. The Highway Department supports the discontinuance of the petitioned portion of Chandler Street, reserving utility easement rights, should utilities exist.

Sincerely,

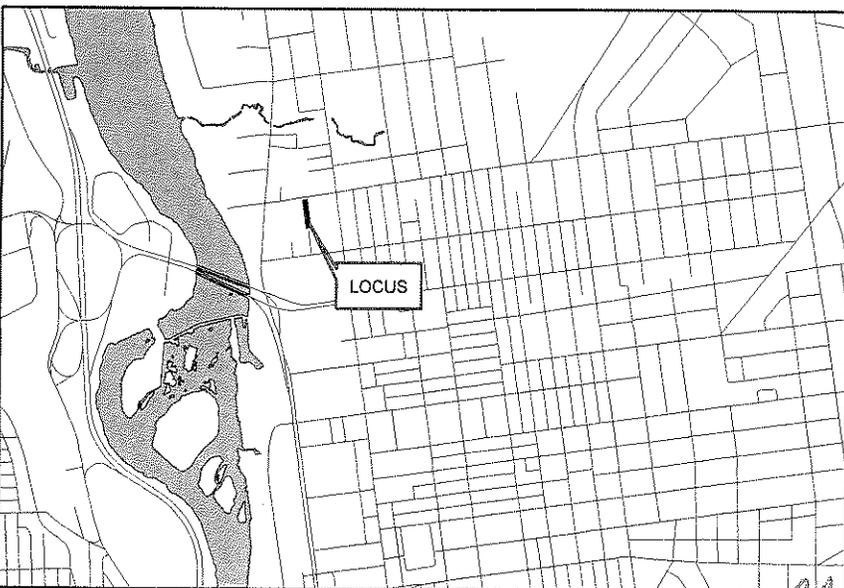
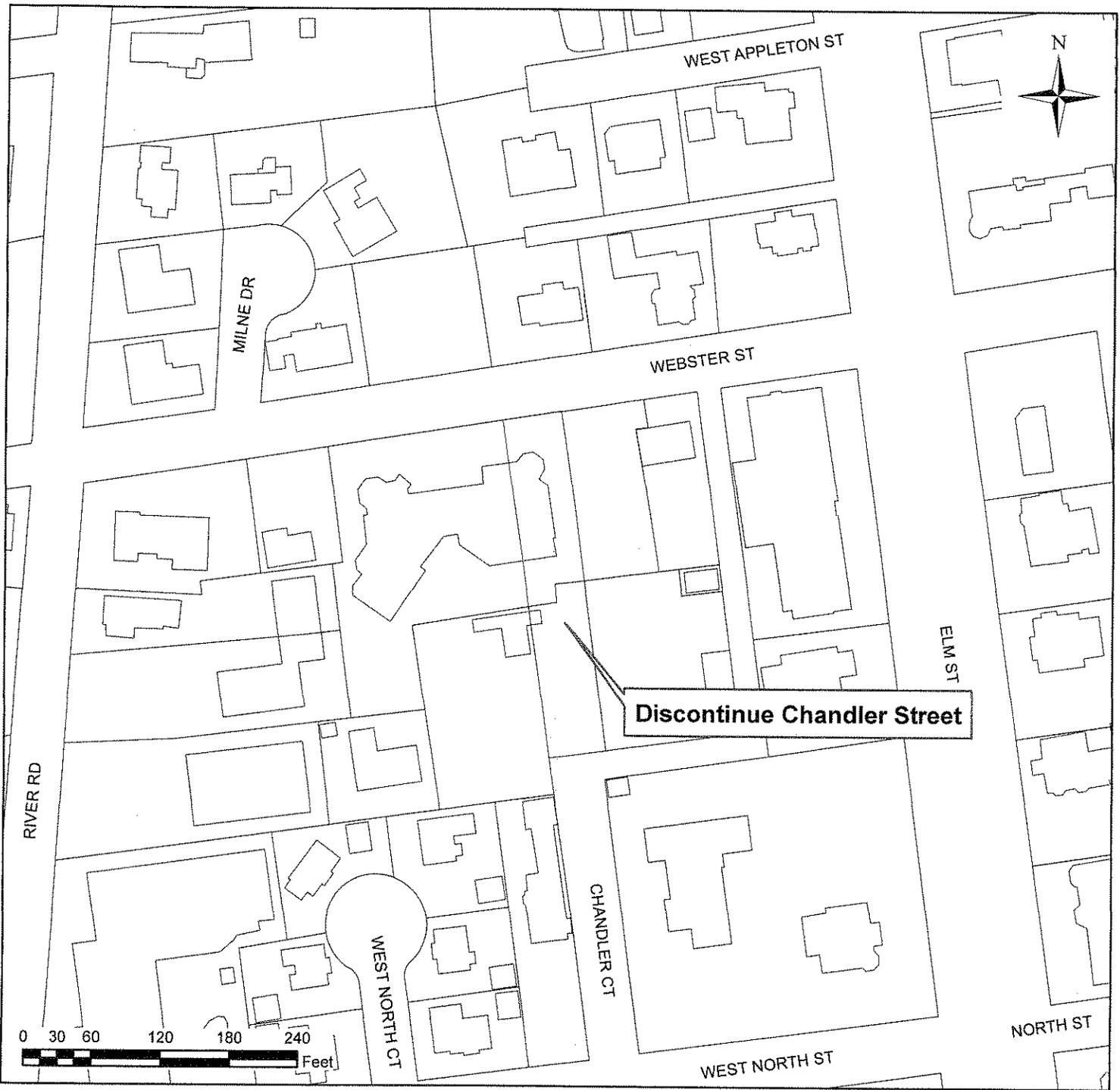


Kevin A. Sheppard, P.E.
Public Works Director

/c

cc: Timothy Clougherty, Deputy Dir.
Marty Miccio
files

3A-11



Proposed Street Discontinuance
Chandler Street
 West Webster Street Southerly



Manchester, NH
 July 2008

21-12

LEGAL NOTICE

CITY OF MANCHESTER

Please be advised that a Road Hearing will be held on Wednesday, September 3, 2008 immediately following a Special Meeting of the Board of Mayor and Aldermen at 5:30 PM in the Aldermanic Chambers of City Hall, One City Hall Plaza, Manchester, New Hampshire for the purpose of hearing those wishing to speak for or against the following petition:

Petition for discontinuance of a portion of Chandler Street

Copies of the petitions are available for viewing at the Office of the City Clerk (east wing), One City Hall Plaza, Manchester, New Hampshire during regular business hours. Written comments may be presented in person or by mail prior to the hearing at the same address, or may be submitted to the City Clerk at the hearing.

Board of Mayor and Aldermen

s/Matthew Normand
Deputy City Clerk