



City of Keene
New Hampshire

**MUNICIPAL SERVICES,
FACILITIES AND INFRASTRUCTURE
COMMITTEE
AGENDA
Council Chambers B
June 7, 2017
6:00 PM**

Janis O. Manwaring
Randy L. Filiault
Robert J. O'Connor
Stephen L. Hooper
Gary P. Lamoureux

-
1. Departmental Presentation - Complex Task Showcases Employee Skills - Public Works Department
 2. Discontinuation of a Portion of Production Avenue

MORE TIME ITEMS:

- A. Driveway Code Review
- B. Jessica Karp – Request for Stop Sign – Darling Road/Mountain View Road Intersection
- C. Reconstruction of the City Roadways and the Addition of Sidewalk Construction to Reconstruction Projects - Council Policy
- D. Liberty Utilities - Relating to the Absolute Discontinuance of a Portion of Production Avenue Resolution R-2017-17

Non Public Session
Adjournment



City of Keene, N.H.
Transmittal Form

June 5, 2017

TO: Municipal Services, Facilities and Infrastructure Committee

FROM:

THROUGH: Patricia A. Little, City Clerk

ITEM: 1.

SUBJECT: Departmental Presentation - Complex Task Showcases Employee Skills - Public Works
Department

BACKGROUND:

Christian Tarr, Utilities Maintenance, Todd Calderwood, Water & Sewer Foreman, and Ben Crowder, Water Treatment Facility Manager, will present a PowerPoint that describes the complex tasks associated with cleaning and inspecting the Black Brook Water Storage Tank and the necessary employee skill level to perform this work.



City of Keene, N.H.
Transmittal Form

June 5, 2017

TO: Municipal Services, Facilities and Infrastructure Committee

FROM: Donald R. Lussier, P.E., City Engineer

THROUGH: Medard Kopczynski, City Manager

ITEM: 2.

SUBJECT: Discontinuation of a Portion of Production Avenue

RECOMMENDATION:

Move that the Municipal Services, Facilities and Infrastructure Committee recommend to the City Council that the City Manager be authorized to do all things necessary to:

1. Provide a deed for an area of land previously laid out as Production Avenue to Liberty Utilities;
2. Accept a deed for an Access Easement from Liberty Utilities;
3. Accept a deed for land to be laid out as an amendment to the layout of Production Avenue for a proposed turn-around area;
4. Release the City's interest in easements for drainage and utility lines across the property of Liberty Utilities;
5. Accept documentation to amended a portion of the layout of Production Avenue;
6. Condition the discontinuance upon the satisfactory construction of the turn-around; and
7. Adopt Resolution R-2017-17-A, as amended.

All subject to the approval of the City Attorney as to form and the City Engineer as to description.

ATTACHMENTS:

Description

Amended Discountinuance Description

Amended Discountinuance Petition

Resolution R-2017-17-A

BACKGROUND:

Liberty Utilities petitioned the City Council for the absolute discontinuance of a portion of Production Avenue in order to permit proposed development of its property. The City Council performed a site visit on June 1, 2017. A Public Hearing on the matter was also conducted that evening.

During the course of the site visit and the subsequent City Council meeting, the Petitioner described a number of actions tied to the proposed development, including:

1. Discontinuing a portion of Production Avenue.
2. Extinguishing existing drainage and utility easements.
3. Granting of an area of land by Liberty Utilities to the City of Keene for the purpose of constructing a

new turn-around at the end of the public portion of Production Ave.

4. Constructing said turn-around by Petitioner and acceptance by the Public Works Director.
5. Amending the Layout of Production Ave to incorporate the turn-around area into the public right-of-way. (to be completed under a separate Resolution)
6. Granting an Access Easement by Liberty Utilities to the City of Keene for the purpose of accessing and maintaining the City's "Tax Ditch Easements."

The recommended motion will allow the City Manager to do all things necessary for the discontinuance and alteration of the layout of Production Avenue.

It should be noted that the original Petition described the discontinued portion of Production Avenue and the easements to be extinguished, but did not include descriptions of the proposed turn-around area and access easement. The Petitioner has submitted revised documents to correct this.

**AMENDED DESCRIPTION FOR THE
ABSOLUTE DISCONTINUANCE OF A PORTION OF PRODUCTION AVENUE,
TO EXTINGUISH A DRAINAGE EASEMENT AND
A WATER LINE EASEMENT, THE LAYOUT OF ANOTHER PORTION
OF PRODUCTION AVENUE (TURNAROUND),
AND TO CREATE AN ACCESS EASEMENT**

A. Portion of Production Avenue

A portion of Production Avenue, commencing at a monument set, which monument shall be the southwestern most corner of the terminus of Production Avenue;

Then South 32° 10' 06" East a distance of 169.31 feet, more or less, to a point;

Then on a curve to the right having a radius of 100.27 feet, a distance of 66.47 feet, more or less, to a point;

Then on a curve to the left having a radius of 65.00 feet, a distance of 290.38 feet, more or less, to a point;

Then on a curve to the right having a radius of 100.27 feet, a distance of 66.47 feet, more or less, to a point;

Then North 32° 10' 06" West a distance of 169.31 feet, more or less, to a monument set, which monument shall be the southeastern most corner of the terminus of Production Avenue;

Then South 57° 49' 54" West a distance of 60.00 feet, more or less, to the point and place of beginning.

Including all utilities located within the premises described above.

Meaning and intending that portion of Production Avenue southerly of a certain line, which line shall be the southerly terminus of Production Avenue (hereafter "the southerly terminus") as shown on a plan titled, "Map Showing Revised Layout of Production Avenue Prepared for New Hampshire Gas Corporation of Property Located on Production Avenue" prepared by SVE Associates, dated May 31, 2000, revised through January 8, 2002, and recorded at the Cheshire County Registry of Deeds at Cabinet 12, Drawer 7, #60. The parcel to be discontinued is also shown as a portion of Production Avenue on a plan entitled "Subdivision of Land Owned by Production Realty and Formerly Land Owned by John E. Bunce and Clifford A. Bauer, Keene, New Hampshire," recorded August 28, 1986 at Cabinet 7, Slides 138 and 139 of the Cheshire County Registry of Deeds (the "1986 Subdivision Plan"), and that part of Production Avenue southerly of the southerly terminus, as shown and described on plans recorded at Cabinet 4, Slides 804-805, and Cabinet 5, Slides 58-59, and any and all other plans,

returns of layout, deeds, or other instruments laying out or deeding property southerly of the southerly terminus, previously filed with the City of Keene or recorded at the Cheshire County Registry of Deeds, or both.

B. Drainage Easement

A drainage easement and a water line easement shown on the 1986 Subdivision Plan and as described as follows:

Beginning at a point on the easterly side of the cul-de-sac at the terminus of Production Avenue as shown on the 1986 Subdivision Plan, which point is the southwest corner of form Lot 11 and the northwest corner of former Lot 12;

Then North 70° 49' East a distance of 279.8 feet, more or less, along the boundary line between former Lots 11 and 12 to a point;

Then North 84° 51' East a distance of 12 feet, more or less, to the centerline of a ditch, which centerline was formerly the boundary line between former Lots 11 and 12 on one side, and lands now or formerly of George R. Hanna and E. W. Bergeron on the other side.

The width of easement being 12.5 feet on either side of the described line.

C. Water Line Easement

Beginning at a point on the cul-de-sac at the southerly end of the terminus of Production Avenue as shown on the 1986 Subdivision Plan, which point is in the boundary line between former Lot 6 and former Lot 12;

Then South 5° 24' East along the boundary line between said former Lot 6 and former Lot 12 a distance of 109.9 feet, more or less, to land now or formerly of E.W. Bergeron.

The width of the easement being 20 feet on the westerly side of the described line.

D. Turnaround Area

A certain portion of Production Avenue located on the westerly boundary of Production Avenue, more particularly described as follows:

Beginning at a monument set, which monument is on the westerly boundary of Production Avenue, as the same is laid out, and on the boundary of property now or formerly of Concord Laboratories, Inc. and New Hampshire Gas Corporation;

Then South 32° 10' 6'' East a distance of 89.86 feet, more or less, to a monument set;

Then South 59° 29' 49'' West a distance of 24.40 feet, more or less, to a monument set;

Then North 32° 12' 32'' West a distance of 94.72 feet, more or less, to a monument set on the boundary of property now or formerly of Concord Laboratories, Inc. and New Hampshire Gas Corporation;

Then North 70° 39' 24'' East a distance of 25.09 feet, more or less, to the point and place of beginning.

E. Access Easement

A certain portion of the land now of Liberty Utilities (EnergyNorth Natural Gas) Corp., formerly of New Hampshire Gas Corporation, described as follows:

[Description to be provided in the recordable document]

**AMENDED PETITION FOR THE
ABSOLUTE DISCONTINUANCE OF A PORTION OF PRODUCTION AVENUE,
TO EXTINGUISH A DRAINAGE EASEMENT AND
A WATER LINE EASEMENT, THE LAYOUT OF ANOTHER PORTION
OF PRODUCTION AVENUE (TURNAROUND),
AND TO CREATE AN ACCESS EASEMENT**

TO: The Honorable Mayor and City Council:

The undersigned represents that for the accommodation of the Public, there is occasion for the absolute discontinuance of a portion of Production Avenue at the following location:

A. A Portion of Production Avenue

A portion of Production Avenue, commencing at a monument set, which monument shall be the southwestern most corner of the terminus of Production Avenue;

Then South 32° 10' 06" East a distance of 169.31 feet, more or less, to a point;

Then on a curve to the right having a radius of 100.27 feet, a distance of 66.47 feet, more or less, to a point;

Then on a curve to the left having a radius of 65.00 feet, a distance of 290.38 feet, more or less, to a point;

Then on a curve to the right having a radius of 100.27 feet, a distance of 66.47 feet, more or less, to a point;

Then North 32° 10' 06" West a distance of 169.31 feet, more or less, to a monument set, which monument shall be the southeastern most corner of the terminus of Production Avenue;

Then South 57° 49' 54" West a distance of 60.00 feet, more or less, to the point and place of beginning.

Including all utilities located within the premises described above.

Meaning and intending that portion of Production Avenue southerly of a certain line, which line shall be the southerly terminus of Production Avenue (hereafter "the southerly terminus") as shown on a plan titled, "Map Showing Revised Layout of Production Avenue Prepared for New Hampshire Gas Corporation of Property Located on Production Avenue" prepared by SVE Associates, dated May 31, 2000, revised through January 8, 2002, and recorded at the Cheshire County Registry of Deeds at Cabinet 12, Drawer 7, #60. The parcel to be discontinued is also shown as a portion of Production Avenue on a plan entitled "Subdivision of Land Owned by Production Realty and Formerly Land Owned by John E. Bunce and Clifford A. Bauer, Keene, New Hampshire," recorded August 28, 1986 at Cabinet 7, Slides 138 and 139

of the Cheshire County Registry of Deeds (the “1986 Subdivision Plan”), and that part of Production Avenue southerly of the southerly terminus, as shown and described on plans recorded at Cabinet 4, Slides 804-805, and Cabinet 5, Slides 58-59, and any and all other plans, returns of layout, deeds, or other instruments laying out or deeding property southerly of the southerly terminus, previously filed with the City of Keene or recorded at the Cheshire County Registry of Deeds, or both.

B. Drainage Easement

A drainage easement shown on the 1986 Subdivision Plan and as described as follows:

Beginning at a point on the easterly side of the cul-de-sac at the terminus of Production Avenue as shown on the 1986 Subdivision Plan, which point is the southwest corner of form Lot 11 and the northwest corner of former Lot 12;

Then North 70° 49' East a distance of 279.8 feet, more or less, along the boundary line between former Lots 11 and 12 to a point;

Then North 84° 51' East a distance of 12 feet, more or less, to the centerline of a ditch, which centerline was formerly the boundary line between former Lots 11 and 12 on one side, and lands now or formerly of George R. Hanna and E. W. Bergeron on the other side.

The width of easement being 12.5 feet on either side of the described line.

C. Water Line Easement

A water line easement shown on the 1986 Subdivision Plan and as described as follows:

Beginning at a point on the cul-de-sac at the southerly end of the terminus of Production Avenue as shown on the 1986 Subdivision Plan, which point is in the boundary line between former Lot 6 and former Lot 12;

Then South 5° 24' East along the boundary line between said former Lot 6 and former Lot 12 a distance of 109.9 feet, more or less, to land now or formerly of E.W. Bergeron.

The width of the easement being 20 feet on the westerly side of the described line.

D. Area for Turnaround

The undersigned also represents that for the accommodation of the Public, there is occasion for the layout of another portion of Production Avenue as a Turnaround to be conveyed to the City of Keene at the following location:

A certain portion of Production Avenue located on the westerly boundary of Production Avenue, more particularly described as follows:

Beginning at a monument set, which monument is on the westerly boundary of Production Avenue, as the same is laid out, and on the boundary of property now or formerly of Concord Laboratories, Inc. and New Hampshire Gas Corporation;

Then South 32° 10' 6'' East a distance of 89.86 feet, more or less, to a monument set;

Then South 59° 29' 49'' West a distance of 24.40 feet, more or less, to a monument set;

Then North 32° 12' 32'' West a distance of 94.72 feet, more or less, to a monument set on the boundary of property now or formerly of Concord Laboratories, Inc. and New Hampshire Gas Corporation;

Then North 70° 39' 24'' East a distance of 25.09 feet, more or less, to the point and place of beginning.

E. Access Easement

A certain portion of the land now of Liberty Utilities (EnergyNorth Natural Gas) Corp., formerly of New Hampshire Gas Corporation, described as follows:

[Description to be provided in the recordable document]

The undersigned, therefore, requests that the City Council completely discontinue a portion of Production Avenue, extinguish a drainage easement and a water line easement, provide for the layout of another portion of Production Avenue for a Turnaround, and create an access easement, all as described above.

Dated June _____, 2017

By: _____

James M. Sweeney, President
Liberty Utilities (EnergyNorth Natural Gas) Corp.
d/b/a Liberty Utilities, successor-in-interest to New
Hampshire Gas Corporation



CITY OF KEENE

R-2017-17-A

In the Year of Our Lord Two Thousand andSeventeen.....

A RESOLUTION Resolution Relating to the Absolute Discontinuance of a Portion of Production Avenue, Extinguish a Drainage Easement and a Water Line Easement, Layout a Revised Portion of Production Avenue (Turnaround), and to establish an Access Easement.

Resolved by the City Council of the City of Keene, as follows:

That the Keene City Council is of the opinion that for the accommodation of the public there is no further need to use a portion of Production Avenue, including utilities laid out beneath; a drainage easement and a water line easement, and that there is occasion for the absolute discontinuance of said portion of Production Avenue as described in the attached Amended Description for the absolute Discontinuance of a Portion of Production Avenue, to Extinguish a Drainage Easement and a Water Line Easement, the Layout of Another Portion of Production Avenue (Turnaround), and to Create an Access Easement (the "Description"), subject to the following conditions:

1. All affected property owners associated and in connection with the discontinuance agree to the discontinuance and waive their rights to any damages and sign an agreement to such; and
2. That petitioner indemnifies and defends the City of Keene from any claims or damages arising from said discontinuances; and
3. All documentation is in a content and form acceptable to the City Attorney, City Engineer, and Planning Director; and
4. All expenses, including any damages associated and in connection with the discontinuance, shall be borne by the petitioner.

That a revised portion of Production Avenue (Turnaround) as described in the attached Description be laid out as a public way in the City of Keene, in accordance with the provisions of New Hampshire RSA 231:8 and RSA 231:23, and further that an access easement, as described in said Description, also be laid out, and that Liberty Utilities (EnergyNorth Natural Gas) Corp., its successors and assigns, being specifically benefitted thereby, is charged with the construction of said public way in conformance with all applicable standards and safety requirements of the City of Keene, subject to approval of final plans and construction by the City Engineer.

Kendall W. Lane, Mayor