



City of Keene
New Hampshire

**MUNICIPAL SERVICES,
FACILITIES AND INFRASTRUCTURE
COMMITTEE
AGENDA
Council Chambers B
August 29, 2018
6:00 PM**

Janis O. Manwaring
Randy L. Filiault
Stephen L. Hooper
Gary P. Lamoureux
Robert B. Sutherland

-
1. 48 Stanhope Avenue - Release of Easement - Public Works Department

MORE TIME ITEMS:

- A. Kate McNally/Cheshire Coalition for Tobacco Free Communities – Raising the Legal Minimum Age for the Sale and Possession of all Tobacco and Nicotine Products
- B. Ashuelot Court Homeowners – Request to Partner in the Installation of Water and Sewer Lines on Ashuelot Court, a Designated Private Road

Non Public Session
Adjournment



City of Keene, N.H.
Transmittal Form

July 20, 2018

TO: Municipal Services, Facilities and Infrastructure Committee

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

THROUGH: Elizabeth A. Dragon, City Manager

ITEM: 1.

SUBJECT: 48 Stanhope Avenue - Release of Easement - Public Works Department

RECOMMENDATION:

Move that the Municipal Services, Facilities and Infrastructure Committee recommend that the City Manager be authorized to do all things necessary to release an easement across 48 Stanhope Avenue.

ATTACHMENTS:

Description

Letter from Property Owner

Photos of 48 & 54 Stanhope

BACKGROUND:

The City Manager received a letter (attached) from Ms. Susan L. Gilbert, owner of 48 Stanhope Avenue, on July 3rd, 2018. The letter references an easement for a shared driveway (right to use in common) for the benefit of 54 Stanhope Avenue. The City of Keene recently acquired the property at 54 Stanhope Avenue through a tax lien process. Ms. Gilbert has requested that the easement be released.

The City Attorney and City Engineer visited the properties on July 12, 2018. It is our opinion that the shared driveway easement is of no further value to the City's property. It was specifically noted that the property at 54 Stanhope has constructed a garage on the opposite side of the residence. Furthermore, an addition in the rear of the home would preclude vehicular access from the easement area. Attached for your reference are several photos of the properties.

We recommend that this easement be released.

Susan L. Gilbert
48 Stanhope Avenue
Keene, NH 03431

June 27, 2018

City of Keene
ATTN: Elizabeth Dragon, Manager
3 Washington Street, 3rd Floor
Keene, NH 03431

Dear Ms. Dragon:

My husband, Richard Gilbert, and I own real estate located at 48 Stanhope Avenue, Keene, NH. The real estate located next to us at 54 Stanhope Avenue, I understand, has been taken by the City of Keene for back taxes owed by Thelma Trybulski who is deceased.

Since I purchased my property on June 19, 2001 (Vol. 1812, Pg. 632 at Cheshire County Registry of Deeds), I have been aware of an "easement" existing concerning a strip of land between the Trybulski property and my property although my Warranty Deed does not make reference to this easement. Please see Warranty Deed at Vol. 952, Pg. 960 (dated 5-8-1978) from Medvidofsky to Thelma Trybulski which references this 6 X 60 foot piece of land as a "right to use in common" with the Trybulski property. My real estate is Lot No. 9 referenced in that paragraph.

Realizing that Thelma Trybulski has died, I am assuming that the property located at 54 Stanhope Avenue will eventually be sold. I would like to request that, when the new deed is done to the future owners, the "easement" reference shown in Vol. 952, Pg. 960 concerning my real estate at 48 Stanhope Avenue ("Lot No. 9") be omitted from that deed.

Thank you for your consideration of this matter.

Respectfully,



SUSAN L. GILBERT

SLG/tlt



View of the City's property at 54 Stanhope Avenue

Subject easement is on the left, garage and driveway have been constructed on the right side of the residence (away from the easement).



Boundary between 48 Stanhope (left) and 54 Stanhope (right)

The orange line in the foreground marks the Boundary line. The white line is the approximate limit of the easement.