



City of Keene
New Hampshire

**MUNICIPAL SERVICES,
FACILITIES AND INFRASTRUCTURE
COMMITTEE
AGENDA
Council Chambers B
March 8, 2017
6:00 PM**

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

-
1. Acceptance of an Emergency Access Easement with Consideration of a Restriction on Truck Traffic and Licenses for Three Utility Lines - Attorney Thomas R. Hanna
 2. Licenses to Allow Utilities and an Underground Walkway - Proposed Development of "Hillside Village" on Wyman Road - Attorney Thomas R. Hanna
 3. Relating to the Alteration of Wyman Road
Resolution R-2017-05

MORE TIME ITEMS:

- A. Petition for the Absolute Discontinuance of a Portion of Castle Street
- B. Driveway Code Review
- C. Reconstruction of the City Roadways and the Addition of Sidewalk Construction to Reconstruction Projects - Council Policy

Non Public Session
Adjournment



Transmittal Form

February 28, 2017

TO: Mayor and Keene City Council

FROM: Attorney Thomas R. Hanna

THROUGH: Patricia A. Little, City Clerk

ITEM: 1.

SUBJECT: Acceptance of an Emergency Access Easement with Consideration of a Restriction on Truck Traffic and Licenses for Three Utility Lines - Attorney Thomas R. Hanna

COUNCIL ACTION:

In City Council March 2, 2017.

Referred to the Municipal Services, Facilities and Infrastructure Committee.

ATTACHMENTS:

Description

Communication - Hanna

BACKGROUND:

In connection with the proposed development of "Hillside Village" on Wyman Road, Attorney Hanna is submitting a request for the acceptance of an emergency access easement; a consideration of a restriction on truck traffic on the northern end of Wyman Road to the Old Walpole Road and a request for three separate licenses for utilities.

In City Council March 2, 2017.

Referred to the Municipal Services, Facilities and Infrastructure.


City Clerk

THOMAS R. HANNA
ATTORNEY
41 SCHOOL STREET
KEENE, NEW HAMPSHIRE 03431

Thomas R. Hanna
F. Barrett Faulkner

Tel. (603) 352-9030
Fax (603) 352-9021

February 28, 2017

HAND DELIVERED

Keene City Council
City of Keene
3 Washington Street
Keene, New Hampshire 03431

Re: The Prospect-Woodward Home - Proposed Development of "Hillside Village"
on Wyman Road, Tax Map Parcel #919-8-3 and Parcel #919-9-24

Ladies and Gentlemen:

On behalf of The Prospect-Woodward Home, developer of the proposed Hillside Village,
I respectfully request that the Council:

1. Vote to authorize the City Manager to accept and record an easement deed from The Prospect-Woodward Home and Monadnock Economic Development Corporation to the City of Keene conveying an easement for emergency access over an emergency access road to be located on land of Hillside Village (Tax Map Parcel #919-9-24) and land of Monadnock Economic Development Corporation (Tax Map Parcel #919-9-26.01), the final form and content of the deed to be subject to review and approval by the City Attorney.
 - There will be locked gates at either end of the emergency access road with a Knox Box at each gate.
 - This request is made in accordance with Condition #1.F. of the Planning Board's Notice of Decision dated November 29, 2016, approving the site plan for Hillside Village in SPR 11-16.
 - See Sheet C-1B entitled "Emergency Access Plan & Profile" of the Construction Plans prepared by SVE Associates, which plan was included with the submission to the City Council on January 13, 2017.
2. Consider the restriction of truck traffic on Wyman Road from the location of

Hillside Village north to Old Walpole Road. This request is made in accordance with Condition #1.D. of the Planning Board's Notice of Decision dated November 29, 2016, approving the site plan for Hillside Village in SPR 11-16.

3. Grant three separate licenses to allow utilities to be installed within, beneath and, in one instance, over the Wyman Road right of way for development the Hillside Village project as follows:
 - An underground utility line crossing under Wyman Road in two locations: both in the vicinity of the Community Building and the Health Care Center, with the exact location of the lines to be determined by PSNH (dba Eversource). The line will be owned and maintained by PSNH (dba Eversource).
 - A utility line for telecommunications to be run from one side of Wyman Road to the other through the underground walkway. See request for underground walkway submitted as request #1 in January 13, 2017 license request to City Council.
 - A new overhead utility line to be run from an existing utility pole on the west side of Wyman Road, then across Wyman Road to a new riser pole on the east side of Wyman Road, where the line will then run underground in an easterly direction through land of Hillside Village to a new sector cabinet.
 - The Prospect-Woodward Home respectfully requests that the City Council grant licenses to authorize the use of the Wyman Road right of way for the construction, maintenance and use of the above described utilities.

Your consideration of these matters is appreciated.

Sincerely,



Thomas R. Hanna

TRH/tss

cc: Kimball B. Temple, M.D.
Edward J. Kelly
Thomas P. Mullins, City Attorney
Donald R. Lussier, City Engineer
James Phippard
Rob Hitchcock



City of Keene, N.H.
Transmittal Form

February 22, 2017

TO: Mayor and Keene City Council

FROM: Municipal Services, Facilities, and Infrastructure Committee

ITEM: 2.

SUBJECT: Licenses to Allow Utilities and an Underground Walkway - Proposed Development of "Hillside Village" on Wyman Road - Attorney Thomas R. Hanna

COUNCIL ACTION:

In City Council March 2, 2017.

More time granted.

RECOMMENDATION:

On a vote of 4-0, the Municipal Services, Facilities, and Infrastructure Committee recommends placing the communication from Attorney Hanna regarding licenses for Hillside Village on "More Time."

BACKGROUND:

Rob Hitchcock, representing SVE Associates, explained the developer's request for licenses to allow utilities and an underground walkway to be installed within and beneath the Wyman Road Right-of-Way for the proposed Hillside Village project.

Using a site map on display, Mr. Hitchcock pointed out where an underground walkway would run between buildings and where sewer lines would run. In addition, he noted that a fire main would be installed that would run from the community building to the health care facility, pointing out the location of a fire pump. He stated that the lines were all private lines.

He said there will be some accommodation for electric and communication cables run between the two sides of Wyman Road, but the details haven't been worked out yet with Eversource and Fairpoint.

Mr. Blomquist said the developer is seeking licenses to place the private utilities and facilities in the right-of-way, related to Item D on the agenda: alteration of Wyman Road. Mr. Blomquist explained the anticipated schedule for approvals and the start of construction as follows:

- March 2: MSFI site visit and public hearing in the evening
- March 8: Action by MSFI on the developer's request
- March 16: Action by the full Council on MSFI recommendation.

Mr. Blomquist stated that the timetable provides enough time for the developer to identify any additional utilities that may be needed.

Chair Manwaring asked how this request differs from Item D Alteration of Wyman Road (on the "More Time" part of the agenda). Mr. Blomquist explained that Item D relates to proposed changes to the roadway, adding

width and creating slopes, but this request deals specifically with the private utilities within the public right-of-way.

In response to a question from Councilor Jones about whether the communication utility lines would be above or below ground, Mr. Hitchcock said that he believed they would be below ground, but that this was not within his scope of work. Councilor Jones stated that in most new development, the city is encouraging underground installations. In addition, he said that in all new private and public development the city is pushing for the inclusion of broadband conduit. Mr. Hitchcock said fiber optic is already on the road.

Councilor Lamoureux made the following motion, which was seconded by Councilor Filiault.

On a vote of 4-0, the Municipal Services, Facilities, and Infrastructure Committee placed this item on “More Time.”



City of Keene, N.H.
Transmittal Form

January 18, 2017

TO: Mayor and Keene City Council

FROM: Attorney Thomas R. Hanna

THROUGH: Patricia A. Little

ITEM: 3.

SUBJECT: Relating to the Alteration of Wyman Road

COUNCIL ACTION:

In City Council January 19, 2017.

Site visit scheduled for March 2, 2017 at 5:45PM. Public Hearing scheduled for March 2, 2017 at 7:00 PM.
Referred to the Planning Board and Municipal Services, Facilities and Infrastructure Committee.

ATTACHMENTS:

Description

Hanna Communication

Petition to Alter Layout of Wyman Road

Request for Waiver of Section 70-87(a)(2)

Warranty Deed

Return of Alteration of Layout of Wyman Road

Resolution R-2017-05

BACKGROUND:

Attorney Thomas R. Hanna is submitting a petition on behalf of the Prospect-Woodward Home for the alteration of Wyman Road in connection with the proposed development of Hillside Village.

THOMAS R. HANNA
ATTORNEY
41 SCHOOL STREET
KEENE, NEW HAMPSHIRE 03431

Thomas R. Hanna
F. Barrett Faulkner

Tel. (603) 352-9030
Fax (603) 352-9021

January 18, 2017

HAND DELIVERED

Keene City Council
City of Keene
3 Washington Street
Keene, New Hampshire 03431

Re: The Prospect-Woodward Home - Proposed Development of "Hillside Village"
on Wyman Road, Tax Map Parcel #919-8-3 and Parcel #919-9-24


Ladies and Gentlemen:

The purpose of this letter is to request that the City Council go forward with The Prospect-Woodward Home's Petition to Alter Layout of Wyman Road at the Council's meeting on January 19th, even though it is my understanding that the remaining documents submitted with my letter of January 13th will not be on the Council's agenda until February 2nd to allow time for review of those documents by the City Attorney and the City Engineer. The Prospect-Woodward Home is hoping to have a final decision on the layout by March, if possible, to accommodate the timing of financing on the Hillside Village project. Given that notice of the layout and a hearing are required prior to the Council's vote, we would like to get the layout process started as soon as possible.

The Prospect-Woodward Home respectfully requests that the City Council go forward with the Petition to Alter Wyman Road at its January 19th meeting, and consider the remaining documents submitted to the City Council by The Prospect-Woodward Home at the Council meeting on February 2nd.

Your consideration in this matter is appreciated.

Sincerely,


Thomas R. Hanna *by Tss*

TRH/tss

cc: Kimball B. Temple, M.D.
Edward J. Kelly
James Phippard
Rob Hitchcock

PETITION TO ALTER LAYOUT OF WYMAN ROAD

TO: THE HONORABLE MAYOR AND CITY COUNCIL FOR THE CITY OF KEENE

Your petitioner, THE PROSPECT-WOODWARD HOME, a New Hampshire non-profit corporation with a principal address of 194-202 Court Street in the City of Keene, County of Cheshire, and State of New Hampshire, (the "Petitioner"), respectfully petitions the City Council for the City of Keene to alter the layout of a section of Wyman Road, a Class V highway in the City of Keene, County of Cheshire, State of New Hampshire, and respectfully represents that there is occasion for said alteration, and in support thereof says the following:

1. For the accommodation of the public it is desirable to alter a section of the street known as Wyman Road over land owned by Kendall W. Lane and Molly B. Lane (the "Lane Property") in the City of Keene pursuant to New Hampshire Revised Statutes Annotated 231:7 and 8, as shown on a plan entitled "Road Layout & Widening Plan, Wyman Road, Keene, New Hampshire, Prepared for The City of Keene & The Prospect-Woodward Home" dated January 6, 2017, prepared by SVE Associates (the "Alteration Plan"), a copy of which plan is attached hereto.

2. The Lane Property is comprised of two parcels: a 37.5 acre parcel at 99 Wyman Road, located on the east side of the road and identified on the Keene Tax Maps as Parcel #919-09-024; and a 12.6 acre parcel at 0 Wyman Road, located on the west side of the road and identified on the Keene Tax Maps as Parcel #919-08-003. Kendall W. Lane and Molly B. Lane ("the Lanes") acquired the Lane Property by deed from the legatees of Mary R. Dodds, dated August 9, 1997, and recorded at Book 1613, Page 317 of the Cheshire County Registry of Deeds.

3. The Petitioner will be acquiring the Lane Property for development as a Continuing Care Retirement Community known as "Hillside Village." The development of Hillside Village includes improvements to Wyman Road and the proposed alteration (widening) of Wyman Road, pursuant to Planning Board site plan review and approval in #SPR-11-16. The latest version of the construction plans (the "Construction Plans") showing all utilities and improvements to be made to Wyman Road are attached hereto.

4. The section of Wyman Road to be altered extends from the southerly boundary of the Lane Property to the northerly boundary of the Lane Property. The alteration involves widening Wyman Road over three narrow strips of land on the Lane Property shown as Areas "A," "B" and "C" on the Alteration Plan.

5. Wyman Road will be improved from a point just north of Black Brook Road northerly to the northerly boundary of the Lane Property.

6. Improvement and alteration of Wyman Road will accommodate the traffic levels

that will be generated by Hillside Village, address safety concerns with existing roadway conditions, improve the radius and slope of the horizontal curve near the north end of the project site, improve the line of sight at that curve and improve public safety.

7. The Petitioner, as successor in interest to the Lanes after purchasing the Lane Property, will deliver a warranty deed conveying a highway easement to the City of Keene over Areas "A," "B" and "C" shown on the Alteration Plan, which areas constitute the proposed location of the altered layout of Wyman Road. A copy of the proposed Warranty Deed is attached hereto.

8. At the recommendation of the City Engineer, the Petitioner is requesting a waiver from the requirements of Sec. 70-87(a)(2) of the City Code of Ordinances to allow for the conveyance of a highway easement to the City rather than fee title, because the land under the existing Wyman Road right of way is not owned by the City in fee. The City Engineer has advised the Petitioner that "the City would not want to take fee-simple ownership of small discontinuous 'slivers' of land." A copy of the Request for Waiver is attached hereto.

9. As shown on the Alteration Plan and the Construction Plans, a 10' wide slope easement related to the improvement of Wyman Road passes over:

Tax Map Parcel #919-09-025
Owned by:
Jeremy L. Lory and Nancy S. Lory,
Trustees of The Lory Family Revocable Trust
By virtue of a deed from Jeremy L. Lory and Nancy S. Lory dated May 5, 2014, recorded at Book 2867, Page 960 of the Cheshire County Registry of Deeds; and

10. Jeremy L. Lory and Nancy S. Lory, as Trustees of The Lory Family Revocable Trust, their successors or assigns, will convey the 10' wide slope easement to the City of Keene after the Petitioner has acquired title to the Lane Property.

11. As shown on the Alteration Plan and the Construction Plans, a slope easement and drainage easement (extending 30' from the centerline of Wyman Road in some areas and 60' from the centerline in other areas) related to the improvement of Wyman Road passes over:

Tax Map Parcel #919-08-004
Owned by:
Spofford Stage Real Estate, LLC,
By virtue of a deed from Blackbird Fields Real Estate, LLC, dated January 4, 2007, recorded at Book 2408, Page 939 of the Cheshire County Registry of Deeds.

12. Spofford Stage Real Estate, LLC, will convey a slope easement and drainage easement to the City of Keene after the Petitioner has acquired title to the Lane Property.

13. As shown on the Alteration Plan and the Construction Plans, a slope easement and

drainage easement for a riprap apron related to the improvement of Wyman Road passes over:

Tax Map Parcel #919-09-026.0100

Owned by:

Monadnock Economic Development Corporation

By virtue of a deed from Richard S. Pastore, Trustee of Black Brook Trust, dated July 29, 1998, recorded at Book 1658, Page 874 of the Cheshire County Registry of Deeds.

14. Monadnock Economic Development Corporation will convey a slope easement and drainage easement for a riprap apron to the City of Keene after the Petitioner has acquired title to the Lane Property.

15. The Petitioner, as successor in interest to the Lanes after purchasing the Lane Property, will also enter into an agreement with the City granting the City the right to drain stormwater runoff from Wyman Road onto the Hillside Village property and into the Hillside Village on-site drainage system, and the right to maintain that portion of the Hillside Village on-site drainage system (e.g. swales and pipes) that receives and conveys drainage away from Wyman Road in the event that the on-site system is preventing the drainage of Wyman Road. Under the terms of the proposed agreement, the City would have the right, but not the obligation or responsibility, to maintain the drainage system for stormwater runoff.

16. The cost of construction of the altered layout and the improvements to Wyman Road will be borne by the Petitioner.

WHEREFORE, your Petitioner respectfully requests that:

A. The City Council, in accordance with the provisions of RSA 231:9-11, conduct a hearing on the proposed alteration of layout of Wyman Road;

B. Following such hearing, the City Council vote to waive the requirement in Sec. 70-87(a)(2) for a warranty deed conveying fee title, and vote to accept a warranty deed from the Petitioner conveying an easement for highway purposes over the altered portion of Wyman Road to be laid out, upon the condition that Petitioner has acquired title to the Lane Property prior to delivering such a deed to the City;

C. The City Council vote to alter the layout of Wyman Road as a public street to include a highway easement over the following parcels of property as shown on the Alteration Plan, such alteration of layout to be conditioned upon the Petitioner's acquisition of the Lane Property:

AREA "A"

A certain tract of land situated in Keene, Cheshire County, New Hampshire, bounded and described as follows:

Beginning at a stone bound set on the westerly right of way line of Wyman Road at the southerly boundary of land now or formerly of Kendall W. Lane and Molly B. Lane and the northerly boundary of Spofford Stage Real Estate, LLC;

Thence running S 84° 41' 40" W a distance of nine and forty-five hundredths (9.45) feet, more or less, to a stone bound;

Thence running N 8° 20' 05" W a distance of one hundred five and sixty-one hundredths (105.61) feet, more or less, to a stone bound set on the westerly right of way line of Wyman Road;

Thence running in a generally southerly direction along the westerly right of way line of Wyman Road to the stone bound at the point of beginning.

Containing four hundred forty-six (446) square feet, more or less.

Being shown as "Area 'A'" on a plan entitled "Road Layout & Widening Plan, Wyman Road, Keene, New Hampshire, Prepared for The City of Keene & The Prospect-Woodward Home" dated January 6, 2017, prepared by SVE Associates, to be recorded at the Cheshire County Registry of Deeds.

AREA "B"

A certain tract of land situated in Keene, Cheshire County, New Hampshire, bounded and described as follows:

Beginning at a stone bound set on the westerly right of way line of Wyman Road at the northerly boundary of the above-described Area "A";

Thence following the arc of a curve to the right, the radius of which is 2421.72', and the chord of which is 126.29' along a long chord bearing of N 6° 50' 26" W, a distance of one hundred twenty-six and thirty hundredths (126.30) feet, more or less, to a point;

Thence running N 5° 20' 47" W a distance of one hundred thirty-four and eighty hundredths (134.80) feet, more or less, to a stone bound;

Thence running N 6° 36' 08" W a distance of two hundred two and twenty-one hundredths (202.21) feet, more or less, to a stone bound;

Thence running N 83° 23' 52" E a distance of six and sixty-five hundredths (6.65) feet, more or less, to a stone bound set on the westerly right of way line of Wyman Road;

Thence running in a generally southerly direction along the westerly right of way

line of Wyman Road to the stone bound at the point of beginning.

Containing three thousand four hundred eight (3,408) square feet, more or less.

Being shown as "Area 'B'" on a plan entitled "Road Layout & Widening Plan, Wyman Road, Keene, New Hampshire, Prepared for The City of Keene & The Prospect-Woodward Home" dated January 6, 2017, prepared by SVE Associates, to be recorded at the Cheshire County Registry of Deeds.

AREA "C"

A certain tract of land situated in Keene, Cheshire County, New Hampshire, bounded and described as follows:

Beginning at a stone bound at the end of a stone wall on the easterly right of way line of Wyman Road, said point being just north of Station 23+37.46 on the Wyman Road layout;

Thence running N 6° 02' 17" W a distance of one hundred twenty-one and twenty-six hundredths (121.26) feet, more or less, to a stone bound;

Thence running N 6° 36' 08" W a distance of two hundred two and seventy-six hundredths (202.76) feet, more or less, to a stone bound;

Thence running S 83° 23' 52" W a distance of four (4.0) feet, more or less, to a stone bound;

Thence running N 6° 36' 08" W a distance of three hundred seventy-nine and thirty-six hundredths (379.36) feet, more or less, to a stone bound;

Thence running N 83° 43' 47" E a distance of four (4.0) feet, more or less, to a stone bound;

Thence following the arc of a curve to the right, the radius of which is 275.00' a distance of two hundred eleven and six hundredths (211.06) feet, more or less, to a stone bound opposite Station 13+90.02;

Thence running N 38° 02' 17" E a distance of ninety-seven and seventy-one hundredths (97.71) feet, more or less, to a stone bound opposite Station 12+92.31;

Thence following the arc of a curve to the left, the radius of which is 1151.50' a distance of seventy-six and sixty-six hundredths (76.66) feet, more or less, to a stone bound opposite Station 12+17.31;

Thence running N 34° 13' 24" E a distance of ninety-seven and sixteen hundredths (97.16) feet, more or less, to a stone bound opposite Station 11+20.15;

Thence following the arc of a curve to the right, the radius of which is 237.87' a distance of sixty-seven and eighty-seven hundredths (67.87) feet, more or less, to a stone bound opposite Station 10+45.15;

Thence running N 50° 34' 13" E a distance of two hundred eighty-two and nineteen hundredths (282.19) feet, more or less, to a stone bound at the northerly boundary of land now or formerly of Kendall W. Lane and Molly B. Lane and the southerly boundary of land now or formerly of the Bruce L. Borden Revocable Trust and the Phyllis R. Borden Revocable Trust;

Thence running N 37° 02' 34" W a distance of five and eighty-eight hundredths (5.88) feet, more or less, to a stone bound set on the easterly right of way line of Wyman Road;

Thence running in a generally southwesterly and southerly direction along the easterly right of way line of Wyman Road to the stone bound at the point of beginning.

Containing twelve thousand four hundred thirty-eight (12,438) square feet, more or less.

Being shown as "Area 'C'" on a plan entitled "Road Layout & Widening Plan, Wyman Road, Keene, New Hampshire, Prepared for The City of Keene & The Prospect-Woodward Home" dated January 6, 2017, prepared by SVE Associates, to be recorded at the Cheshire County Registry of Deeds.

D. The City Council vote to authorize the City Manager to accept and record a warranty deed from Jeremy L. Lory and Nancy S. Lory, as Trustees of The Lory Family Revocable Trust, or their successors or assigns, to the City of Keene conveying a 10' wide slope easement related to improvements to Wyman Road, such vote to be conditioned upon the Petitioner's acquisition of the Lane Property prior to the acceptance of such a deed. The final form and content of the deed to be subject to review and approval by the City Attorney.

E. The City Council vote to authorize the City Manager to accept and record a warranty deed from Spofford Stage Real Estate, LLC, its successors or assigns, to the City of Keene conveying a slope easement and drainage easement related to improvements to Wyman Road, such vote to be conditioned upon the Petitioner's acquisition of the Lane Property prior to the acceptance of such a deed. The final form and content of the deed to be subject to review and approval by the City Attorney.

F. The City Council vote to authorize the City Manager to accept and record a

warranty deed from Monadnock Economic Development Corporation, its successors or assigns, to the City of Keene conveying a slope easement and drainage easement for a riprap apron related to improvements to Wyman Road, such vote to be conditioned upon the Petitioner's acquisition of the Lane Property prior to the acceptance of such a deed. The final form and content of the deed to be subject to review and approval by the City Attorney.

G. The City Council vote to authorize the City Manager, on behalf of the City, to enter into an agreement with The Prospect-Woodward Home, as successor in interest to Kendall W. Lane and Molly B. Lane, which agreement will grant the City the right to drain stormwater runoff from Wyman Road onto the Hillside Village property and into the Hillside Village on-site drainage system, and the right to maintain that portion of the Hillside Village on-site drainage system (e.g. swales and pipes) that receives and conveys drainage away from Wyman Road in the event that the on-site system is preventing the drainage of Wyman Road, provided that under the terms of the agreement the City would have the right, but not the obligation or responsibility, to maintain the drainage system for stormwater runoff. The final form and content of the agreement to be subject to review and approval by the City Attorney.

DATED this 13th day of January, 2017.

Respectfully submitted,

THE PROSPECT-WOODWARD HOME
By Its Attorney:

Law Office of Thomas R. Hanna

By: Thomas R. Hanna
Thomas R. Hanna, Esq.
41 School Street
Keene, NH 03431
(352-9030)

**REQUEST FOR WAIVER OF SEC. 70-87(a)(2)
OF THE CITY CODE OF ORDINANCES
RE: ALTERATION OF LAYOUT OF
WYMAN ROAD, KEENE, NEW HAMPSHIRE**

**TO: THE HONORABLE MAYOR AND CITY COUNCIL FOR THE CITY OF
KEENE**

The Prospect-Woodward Home, the Petitioner in a Petition to Alter Layout of Wyman Road, hereby requests a waiver from the requirements of Sec. 70-87(a)(2) of the City Code of Ordinances to allow for the conveyance of a highway easement to the City of Keene rather than fee title.

The land under the existing Wyman Road right of way is not owned by the City in fee. The City has only a right of way for highway purposes over the existing Wyman Road.

The City Engineer has advised the Petitioner that "the City would not want to take fee-simple ownership of small discontinuous 'slivers' of land," given that the City does not own the existing Wyman Road.

DATED this 13th day of January, 2017.

THE PROSPECT-WOODWARD HOME
By Its Attorney:

Law Office of Thomas R. Hanna

By: Thomas R. Hanna

Thomas R. Hanna, Esq.
41 School Street
Keene, NH 03431
(352-9030)

WARRANTY DEED

THE PROSPECT-WOODWARD HOME, a New Hampshire non-profit corporation with a principal address of 194-202 Court Street in the City of Keene, County of Cheshire, and State of New Hampshire, for consideration paid, grants to the CITY OF KEENE, a municipal corporation duly established under the laws of the State of New Hampshire, with a principal place of business at 3 Washington Street, Keene, Cheshire County, New Hampshire 03431, with WARRANTY covenants, the following:

An easement for highway purposes over certain tracts of land situated in Keene, Cheshire County, New Hampshire, said easement areas being bounded and described as follows:

AREA "A"

A certain tract of land situated in Keene, Cheshire County, New Hampshire, bounded and described as follows:

Beginning at a stone bound set on the westerly right of way line of Wyman Road at the southerly boundary of land now or formerly of Kendall W. Lane and Molly B. Lane and the northerly boundary of Spofford Stage Real Estate, LLC;

Thence running S 84° 41' 40" W a distance of nine and forty-five hundredths (9.45) feet, more or less, to a stone bound;

Thence running N 8° 20' 05" W a distance of one hundred five and sixty-one hundredths (105.61) feet, more or less, to a stone bound set on the westerly right of way line of Wyman Road;

Thence running in a generally southerly direction along the westerly right of way line of Wyman Road to the stone bound at the point of beginning.

Containing four hundred forty-six (446) square feet, more or less.

Being shown as "Area 'A'" on a plan entitled "Road Layout & Widening Plan, Wyman Road, Keene, New Hampshire, Prepared for The City of Keene & The Prospect-Woodward Home" dated January 6, 2017, prepared by SVE Associates, to be recorded at the Cheshire County Registry of Deeds.

AREA "B"

A certain tract of land situated in Keene, Cheshire County, New Hampshire, bounded and described as follows:

Beginning at a stone bound set on the westerly right of way line of Wyman Road at the northerly boundary of the above-described Area "A";

Thence following the arc of a curve to the right, the radius of which is 2421.72', and the chord of which is 126.29' along a long chord bearing of N 6° 50' 26" W, a distance of one hundred twenty-six and thirty hundredths (126.30) feet, more or less, to a point;

Thence running N 5° 20' 47" W a distance of one hundred thirty-four and eighty hundredths (134.80) feet, more or less, to a stone bound;

Thence running N 6° 36' 08" W a distance of two hundred two and twenty-one hundredths (202.21) feet, more or less, to a stone bound;

Thence running N 83° 23' 52" E a distance of six and sixty-five hundredths (6.65) feet, more or less, to a stone bound set on the westerly right of way line of Wyman Road;

Thence running in a generally southerly direction along the westerly right of way line of Wyman Road to the stone bound at the point of beginning.

Containing three thousand four hundred eight (3,408) square feet, more or less.

Being shown as "Area 'B'" on a plan entitled "Road Layout & Widening Plan, Wyman Road, Keene, New Hampshire, Prepared for The City of Keene & The Prospect-Woodward Home" dated January 6, 2017, prepared by SVE Associates, to be recorded at the Cheshire County Registry of Deeds.

AREA "C"

A certain tract of land situated in Keene, Cheshire County, New Hampshire, bounded and described as follows:

Beginning at a stone bound at the end of a stone wall on the easterly right of way line of Wyman Road, said point being just north of Station 23+37.46 on the Wyman Road layout;

Thence running N 6° 02' 17" W a distance of one hundred twenty-one and twenty-six hundredths (121.26) feet, more or less, to a stone bound;

Thence running N 6° 36' 08" W a distance of two hundred two and seventy-six hundredths (202.76) feet, more or less, to a stone bound;

Thence running S 83° 23' 52" W a distance of four (4.0) feet, more or less, to a stone bound;

Thence running N 6° 36' 08" W a distance of three hundred seventy-nine and thirty-six hundredths (379.36) feet, more or less, to a stone bound;

Thence running N 83° 43' 47" E a distance of four (4.0) feet, more or less, to a stone bound;

Thence following the arc of a curve to the right, the radius of which is 275.00' a distance of two hundred eleven and six hundredths (211.06) feet, more or less, to a stone bound opposite Station 13+90.02;

Thence running N 38° 02' 17" E a distance of ninety-seven and seventy-one hundredths (97.71) feet, more or less, to a stone bound opposite Station 12+92.31;

Thence following the arc of a curve to the left, the radius of which is 1151.50' a distance of seventy-six and sixty-six hundredths (76.66) feet, more or less, to a stone bound opposite Station 12+17.31;

Thence running N 34° 13' 24" E a distance of ninety-seven and sixteen hundredths (97.16) feet, more or less, to a stone bound opposite Station 11+20.15;

Thence following the arc of a curve to the right, the radius of which is 237.87' a distance of sixty-seven and eighty-seven hundredths (67.87) feet, more or less, to a stone bound opposite Station 10+45.15;

Thence running N 50° 34' 13" E a distance of two hundred eighty-two and nineteen hundredths (282.19) feet, more or less, to a stone bound at the northerly boundary of land now or formerly of Kendall W. Lane and Molly B. Lane and the southerly boundary of land now or formerly of the Bruce L. Borden Revocable Trust and the Phyllis R. Borden Revocable Trust;

Thence running N 37° 02' 34" W a distance of five and eighty-eight hundredths

(5.88) feet, more or less, to a stone bound set on the easterly right of way line of Wyman Road;

Thence running in a generally southwesterly and southerly direction along the easterly right of way line of Wyman Road to the stone bound at the point of beginning.

Containing twelve thousand four hundred thirty-eight (12,438) square feet, more or less.

Being shown as "Area 'C'" on a plan entitled "Road Layout & Widening Plan, Wyman Road, Keene, New Hampshire, Prepared for The City of Keene & The Prospect-Woodward Home" dated January 6, 2017, prepared by SVE Associates, to be recorded at the Cheshire County Registry of Deeds.

Being an easement upon premises conveyed to the within grantor by deed from Kendall W. Lane and Molly B. Lane dated _____, 2017, recorded at Book _____, Page _____, of the Cheshire County Registry of Deeds.

It is intended by the parties that the delivery of this deed by the Grantor and its acceptance by the City of Keene will constitute the alteration of a public highway known as Wyman Road by dedication and acceptance according to New Hampshire law.

DATED this ____ day of _____, 2017.

THE PROSPECT-WOODWARD HOME

By: _____
Kimball B. Temple
Its Duly Authorized President

STATE OF NEW HAMPSHIRE
COUNTY OF CHESHIRE

The foregoing instrument was acknowledged before me, this ____ day of _____, 2017, by Kimball B. Temple, as the duly authorized President of The Prospect-Woodward Home, he being personally known to me, or satisfactorily proven, to be the person signing the foregoing document on behalf of The Prospect-Woodward Home.

Notary Public
Comm. Exp. _____
Seal

ACCEPTANCE

On _____, 2017, the Keene City Council voted to accept the foregoing highway easement and authorized the City Manager to accept and record a warranty deed therefor. The warranty deed is hereby accepted and the recording of same is hereby authorized.

DATED the ____ day of _____, 2017.

CITY OF KEENE

By: _____
Medard Kopczynski, City Manager

RETURN OF ALTERATION OF LAYOUT OF WYMAN ROAD

A petition requesting the alteration of the layout of Wyman Road having come on for hearing before the Mayor and City Council, and their having considered the same, all parties having been heard and the owners of the land over which such highway will pass having waived their right to damages, it is hereby ordered and adjudged that:

1. Public exigency and convenience require that a highway be and the same is hereby laid out, taken and appropriated over three parcels of property situated in Keene, Cheshire County, New Hampshire, shown as Areas "A," "B" and "C" on a plan entitled "Road Layout & Widening Plan, Wyman Road, Keene, New Hampshire, Prepared for The City of Keene & The Prospect-Woodward Home" dated January 6, 2017, prepared by SVE Associates, recorded herewith, or to be recorded in the Cheshire County Registry of Deeds, bounded and described as follows:

AREA "A"

A certain tract of land situated in Keene, Cheshire County, New Hampshire, bounded and described as follows:

Beginning at a stone bound set on the westerly right of way line of Wyman Road at the southerly boundary of land now or formerly of Kendall W. Lane and Molly B. Lane and the northerly boundary of Spofford Stage Real Estate, LLC;

Thence running S 84° 41' 40" W a distance of nine and forty-five hundredths (9.45) feet, more or less, to a stone bound;

Thence running N 8° 20' 05" W a distance of one hundred five and sixty-one hundredths (105.61) feet, more or less, to a stone bound set on the westerly right of way line of Wyman Road;

Thence running in a generally southerly direction along the westerly right of way line of Wyman Road to the stone bound at the point of beginning.

Containing four hundred forty-six (446) square feet, more or less.

Being shown as "Area 'A'" on a plan entitled "Road Layout & Widening Plan, Wyman Road, Keene, New Hampshire, Prepared for The City of Keene & The Prospect-Woodward Home" dated January 6, 2017, prepared by SVE Associates, to be recorded at the Cheshire County Registry of Deeds.

AREA "B"

A certain tract of land situated in Keene, Cheshire County, New Hampshire,

bounded and described as follows:

Beginning at a stone bound set on the westerly right of way line of Wyman Road at the northerly boundary of the above-described Area "A";

Thence following the arc of a curve to the right, the radius of which is 2421.72', and the chord of which is 126.29' along a long chord bearing of N 6° 50' 26" W, a distance of one hundred twenty-six and thirty hundredths (126.30) feet, more or less, to a point;

Thence running N 5° 20' 47" W a distance of one hundred thirty-four and eighty hundredths (134.80) feet, more or less, to a stone bound;

Thence running N 6° 36' 08" W a distance of two hundred two and twenty-one hundredths (202.21) feet, more or less, to a stone bound;

Thence running N 83° 23' 52" E a distance of six and sixty-five hundredths (6.65) feet, more or less, to a stone bound set on the westerly right of way line of Wyman Road;

Thence running in a generally southerly direction along the westerly right of way line of Wyman Road to the stone bound at the point of beginning.

Containing three thousand four hundred eight (3,408) square feet, more or less.

Being shown as "Area 'B'" on a plan entitled "Road Layout & Widening Plan, Wyman Road, Keene, New Hampshire, Prepared for The City of Keene & The Prospect-Woodward Home" dated January 6, 2017, prepared by SVE Associates, to be recorded at the Cheshire County Registry of Deeds.

AREA "C"

A certain tract of land situated in Keene, Cheshire County, New Hampshire, bounded and described as follows:

Beginning at a stone bound at the end of a stone wall on the easterly right of way line of Wyman Road, said point being just north of Station 23+37.46 on the Wyman Road layout;

Thence running N 6° 02' 17" W a distance of one hundred twenty-one and twenty-six hundredths (121.26) feet, more or less, to a stone bound;

Thence running N 6° 36' 08" W a distance of two hundred two and seventy-six hundredths (202.76) feet, more or less, to a stone bound;

Thence running S 83° 23' 52" W a distance of four (4.0) feet, more or less, to a stone bound;

Thence running N 6° 36' 08" W a distance of three hundred seventy-nine and thirty-six hundredths (379.36) feet, more or less, to a stone bound;

Thence running N 83° 43' 47" E a distance of four (4.0) feet, more or less, to a stone bound;

Thence following the arc of a curve to the right, the radius of which is 275.00' a distance of two hundred eleven and six hundredths (211.06) feet, more or less, to a stone bound opposite Station 13+90.02;

Thence running N 38° 02' 17" E a distance of ninety-seven and seventy-one hundredths (97.71) feet, more or less, to a stone bound opposite Station 12+92.31;

Thence following the arc of a curve to the left, the radius of which is 1151.50' a distance of seventy-six and sixty-six hundredths (76.66) feet, more or less, to a stone bound opposite Station 12+17.31;

Thence running N 34° 13' 24" E a distance of ninety-seven and sixteen hundredths (97.16) feet, more or less, to a stone bound opposite Station 11+20.15;

Thence following the arc of a curve to the right, the radius of which is 237.87' a distance of sixty-seven and eighty-seven hundredths (67.87) feet, more or less, to a stone bound opposite Station 10+45.15;

Thence running N 50° 34' 13" E a distance of two hundred eighty-two and nineteen hundredths (282.19) feet, more or less, to a stone bound at the northerly boundary of land now or formerly of Kendall W. Lane and Molly B. Lane and the southerly boundary of land now or formerly of the Bruce L. Borden Revocable Trust and the Phyllis R. Borden Revocable Trust;

Thence running N 37° 02' 34" W a distance of five and eighty-eight hundredths (5.88) feet, more or less, to a stone bound set on the easterly right of way line of Wyman Road;

Thence running in a generally southwesterly and southerly direction along the easterly right of way line of Wyman Road to the stone bound at the point of beginning.

Containing twelve thousand four hundred thirty-eight (12,438) square feet, more or less.

Being shown as "Area 'C'" on a plan entitled "Road Layout & Widening Plan, Wyman Road, Keene, New Hampshire, Prepared for The City of Keene & The Prospect-

Woodward Home" dated January 6, 2017, prepared by SVE Associates, to be recorded at the Cheshire County Registry of Deeds.

2. There is occasion and necessity for such layout.

3. The highway laid out hereby become part of Wyman Road.

4. These findings and orders shall be recorded in the City Clerk's office in City Hall, Keene, New Hampshire.

Dated: _____, _____, Mayor Pro Tem

Approved as to description:

Approved as to form:

City Engineer

City Attorney



CITY OF KEENE

R-2017-05

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

A RESOLUTIONRelating to the Alteration of Wyman Road.....

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

WHEREAS: Wyman Road is a public highway in the City of Keene; and

WHEREAS: There is now occasion to alter the location of Wyman Road by widening the existing Wyman Road and accepting new sections of Wyman Road as part of the public highway as shown on a plan entitled "Road Layout & Widening Plan, Wyman Road, Keene, New Hampshire, Prepared for The City of Keene & The Prospect-Woodward Home" dated January 6, 2017, prepared by SVE Associates;

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Keene:

That the City Council of the City of Keene hereby accepts the following new sections of road identified as Areas "A," "B" and "C" on a plan entitled "Road Layout & Widening Plan, Wyman Road, Keene, New Hampshire, Prepared for The City of Keene & The Prospect-Woodward Home" dated January 6, 2017, prepared by SVE Associates, to become part of the public street known as Wyman Road:

AREA "A"

A certain tract of land situated in Keene, Cheshire County, New Hampshire, bounded and described as follows:

Beginning at a stone bound set on the westerly right of way line of Wyman Road at the southerly boundary of land now or formerly of Kendall W. Lane and Molly B. Lane and the northerly boundary of Spofford Stage Real Estate, LLC;

Thence running S 84° 41' 40" W a distance of nine and forty-five hundredths (9.45) feet, more or less, to a stone bound;

Thence running N 8° 20' 05" W a distance of one hundred five and sixty-one hundredths (105.61) feet, more or less, to a stone bound set on the westerly right of way line of Wyman Road;

Thence running in a generally southerly direction along the westerly right of way line of Wyman Road to the stone bound at the point of beginning.

Containing four hundred forty-six (446) square feet, more or less.

Being shown as "Area 'A'" on a plan entitled "Road Layout & Widening Plan, Wyman Road, Keene, New Hampshire, Prepared for The City of Keene & The Prospect-Woodward Home" dated January 6, 2017, prepared by SVE Associates, to be recorded at the Cheshire County Registry of Deeds.

AREA "B"

A certain tract of land situated in Keene, Cheshire County, New Hampshire, bounded and described as follows:

Beginning at a stone bound set on the westerly right of way line of Wyman Road at the northerly boundary of the above-described Area "A";

Thence following the arc of a curve to the right, the radius of which is 2421.72', and the chord of which is 126.29' along a long chord bearing of N 6° 50' 26" W, a distance of one hundred twenty-six and thirty hundredths (126.30) feet, more or less, to a point;

Thence running N 5° 20' 47" W a distance of one hundred thirty-four and eighty hundredths (134.80) feet, more or less, to a stone bound;

Thence running N 6° 36' 08" W a distance of two hundred two and twenty-one hundredths (202.21) feet, more or less, to a stone bound;

Thence running N 83° 23' 52" E a distance of six and sixty-five hundredths (6.65) feet, more or less, to a stone bound set on the westerly right of way line of Wyman Road;

Thence running in a generally southerly direction along the westerly right of way line of Wyman Road to the stone bound at the point of beginning.

Containing three thousand four hundred eight (3,408) square feet, more or less.

Being shown as "Area 'B'" on a plan entitled "Road Layout & Widening Plan, Wyman Road, Keene, New Hampshire, Prepared for The City of Keene & The Prospect-Woodward Home" dated January 6, 2017, prepared by SVE Associates, to be recorded at the Cheshire County Registry of Deeds.

AREA "C"

A certain tract of land situated in Keene, Cheshire County, New Hampshire, bounded and described as follows:

Beginning at a stone bound at the end of a stone wall on the easterly right of way

line of Wyman Road, said point being just north of Station 23+37.46 on the Wyman Road layout;

Thence running N 6° 02' 17" W a distance of one hundred twenty-one and twenty-six hundredths (121.26) feet, more or less, to a stone bound;

Thence running N 6° 36' 08" W a distance of two hundred two and seventy-six hundredths (202.76) feet, more or less, to a stone bound;

Thence running S 83° 23' 52" W a distance of four (4.0) feet, more or less, to a stone bound;

Thence running N 6° 36' 08" W a distance of three hundred seventy-nine and thirty-six hundredths (379.36) feet, more or less, to a stone bound;

Thence running N 83° 43' 47" E a distance of four (4.0) feet, more or less, to a stone bound;

Thence following the arc of a curve to the right, the radius of which is 275.00' a distance of two hundred eleven and six hundredths (211.06) feet, more or less, to a stone bound opposite Station 13+90.02;

Thence running N 38° 02' 17" E a distance of ninety-seven and seventy-one hundredths (97.71) feet, more or less, to a stone bound opposite Station 12+92.31;

Thence following the arc of a curve to the left, the radius of which is 1151.50' a distance of seventy-six and sixty-six hundredths (76.66) feet, more or less, to a stone bound opposite Station 12+17.31;

Thence running N 34° 13' 24" E a distance of ninety-seven and sixteen hundredths (97.16) feet, more or less, to a stone bound opposite Station 11+20.15;

Thence following the arc of a curve to the right, the radius of which is 237.87' a distance of sixty-seven and eighty-seven hundredths (67.87) feet, more or less, to a stone bound opposite Station 10+45.15;

Thence running N 50° 34' 13" E a distance of two hundred eighty-two and nineteen hundredths (282.19) feet, more or less, to a stone bound at the northerly boundary of land now or formerly of Kendall W. Lane and Molly B. Lane and the southerly boundary of land now or formerly of the Bruce L. Borden Revocable Trust and the Phyllis R. Borden Revocable Trust;

Thence running N 37° 02' 34" W a distance of five and eighty-eight hundredths (5.88) feet, more or less, to a stone bound set on the easterly right of way line of Wyman

Road;

Thence running in a generally southwesterly and southerly direction along the easterly right of way line of Wyman Road to the stone bound at the point of beginning.

Containing twelve thousand four hundred thirty-eight (12,438) square feet, more or less.

Being shown as "Area 'C'" on a plan entitled "Road Layout & Widening Plan, Wyman Road, Keene, New Hampshire, Prepared for The City of Keene & The Prospect-Woodward Home" dated January 6, 2017, prepared by SVE Associates, to be recorded at the Cheshire County Registry of Deeds.

This acceptance is conditioned upon, and shall take effect upon, acquisition of the Lane Property by The Prospect-Woodward Home, and upon certification by the City Manager of the City of Keene that the City Engineer of the City of Keene has confirmed that the new section of the road has been constructed to City of Keene standards.

BE IT FURTHER RESOLVED:

That the Petitioner's Request for Waiver from the requirements of Sec. 70-87(a)(2) of the City Code of Ordinances to allow for the conveyance of a highway easement to the City rather than fee title, is hereby granted.

BE IT FURTHER RESOLVED:

That the City Manager be, and hereby is, authorized to accept and record a warranty deed from The Prospect-Woodward Home, as successor in interest to Kendall W. Lane and Molly B. Lane, for a highway easement over the new sections of Wyman Road, with the recorded deeds to serve as evidence of satisfaction of the conditions of acceptance of the new sections of the road.

BE IT FURTHER RESOLVED:

That the Petitioner seeking the acceptance of the new sections of Wyman Road is charged with the construction of such new sections of the public street in conformance with City of Keene standards.

BE IT RESOLVED FURTHER:

That the City Manager be, and hereby is, authorized to accept and record a warranty deed from Jeremy L. Lory and Nancy S. Lory, as Trustees of The Lory Family Revocable Trust, or their

successors or assigns, to the City of Keene conveying a 10' wide slope easement related to improvements to Wyman Road. The final form and content of the deed to be subject to review and approval by the City Attorney.

This vote is conditioned upon acquisition of the Lane Property by The Prospect-Woodward Home.

BE IT RESOLVED FURTHER:

That the City Manager be, and hereby is, authorized to accept and record a warranty deed from Spofford Stage Real Estate, LLC, its successors or assigns, to the City of Keene conveying a slope easement and drainage easement related to improvements to Wyman Road. The final form and content of the deed to be subject to review and approval by the City Attorney.

This vote is conditioned upon acquisition of the Lane Property by The Prospect-Woodward Home.

BE IT RESOLVED FURTHER:

That the City Manager be, and hereby is, authorized to accept and record a warranty deed from Monadnock Economic Development Corporation, its successors or assigns, to the City of Keene conveying a slope easement and drainage easement for a riprap apron related to improvements to Wyman Road. The final form and content of the deed to be subject to review and approval by the City Attorney.

This vote is conditioned upon acquisition of the Lane Property by The Prospect-Woodward Home.

BE IT FURTHER RESOLVED:

That the City Manager be, and hereby is, authorized to enter into and record an agreement with The Prospect-Woodward Home, as successor in interest to Kendall W. Lane and Molly B. Lane, which agreement will grant the City the right to drain stormwater runoff from Wyman Road onto the Hillside Village property and into the Hillside Village on-site drainage system, and the right to maintain that portion of the Hillside Village on-site drainage system (e.g. swales and pipes) that receives and conveys drainage away from Wyman Road in the event that the on-site system is preventing the drainage of Wyman Road, provided that under the terms of the agreement the City would have the right, but not the obligation or responsibility, to maintain the drainage system for stormwater runoff. The final form and content of the agreement to be subject to review and approval by the City Attorney.

This vote is conditioned upon acquisition of the Lane Property by The Prospect-Woodward Home.

Dated: _____

_____, Mayor, Pro Tem

In City Council January 19, 2017.

Site visit scheduled for March 2, 2017 at 5:45 PM. Public Hearing scheduled for March 2, 2017 at 7:00 PM.

Referred to the Planning Board and Municipal Services, Facilities and Infrastructure Committee.



City Clerk