

STAFF REPORT

AGENDA ITEM #: 16-150
COUNCIL MTG OF: December 6, 2016
FROM: M. Fowler, Public Works Director
OFFERED BY: M. Fowler, Public Works Director
PREPARED BY: M. Fowler, Public Works Director
SUBJECT: Southeast Land Trust – Letter of Understanding and Easement Agreement

PURPOSE

Town Council action is requested to formally enter into an easement agreement with Southeast Land Trust (SELT) for a 63.5 acre parcel known as 7.5 Willow Street, which the Town Council has previously agreed to purchase for conservation and watershed protection.

TOWN ADMINISTRATOR COMMENTS

The stewardship agreement is one of the final pieces to complete for the Town to proceed with formal acquisition of the property.

BACKGROUND

In 2013, the Town of Derry had submitted a preliminary application for a matching grant program through NHDES for the purpose of watershed protection. A 63.5 acre parcel identified as 7.5 Willow Street – Parcel ID 02070, was submitted as a qualifying property. The grant was accepted which then reimburses 50% of the appraised value along with associated costs such as survey, title, legal and closing costs.

The NHDES grant requires the grantee (Town of Derry) to undertake a number of tasks in order to comply with the requirements of the grant program. On June 21, 2016, Derry Town Council appropriated \$740,000 for the purpose of purchasing the subject property and fulfilling all other related land acquisition requirements.

DISCUSSION

The Letter of Understanding would permit SELT to perform a number of required tasks prior to the actual purchase, including environmental due diligence and communication with NHDES. Most importantly, SELT would be granted a stewardship easement to monitor and maintain the property in perpetuity. Under this model, the Town of Derry owns the property and it is granting a perpetual stewardship easement to SELT.

The Derry Conservation Commission has reviewed the proposed easement and voted to recommend the Derry Town Council enter into this agreement at their October 24, 2016 meeting.

FISCAL IMPACT

The maximum authorized expenditure would be \$33,850 for these services. All costs are 50% reimbursable through the NHDES grant program.

RECOMMENDED ACTION BY COUNCIL

The Derry Conservation Commission voted to recommend the Derry Town Council enter into this agreement at their October 24, 2016 meeting.

RECOMMENDED MOTION

The Derry Town Council MOVES to enter into an agreement with Southeast Land Trust for the purpose of granting a perpetual stewardship easement on Parcel ID 02070 – 7.5 Willow Street, a parcel which the Town of Derry has entered into a Purchase and Sales agreement.

The Derry Town Council further MOVES to accept the financial terms of the stewardship agreement which includes a commitment to a maximum expenditure of \$33,850, to be funded through an existing appropriation approved on June 21, 2016.

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