



STAFF REPORT

AGENDA ITEM #: 17-91
COUNCIL MTG OF: July 18, 2017
FROM: Michael A. Fowler, P. E., Public Works Director
OFFERED BY: Michael A. Fowler, P. E., Public Works Director
PREPARED BY: Michael A. Fowler, P. E., Public Works Director
SUBJECT: Road Acceptance Willow Street and Lilac Court

PURPOSE

This report seeks to confirm a previous Town Council acceptance of a Willow Street and Lilac Court as Class V Town roads. This hearing will clarify the intent to accept a right-of-way stub which has not been built, but was dedicated in the original plan.

TOWN ADMINISTRATOR COMMENTS

The Town Council is encouraged, after public hearing, to adopt amended Resolution #2017-029A.

BACKGROUND

The 24 lot subdivision known as Willow Bend Subdivision was approved the Derry Planning Board in 1997. The development consists of two separate roads named Willow St. (2,150 feet in length) and Lilac Ct. (603 feet in length) located just over a half mile north of Derry's border with the Town of Windham. Both roads together measure 2,753 feet (0.52 mile) in length.

DISCUSSION

The roads were substantially completed in 1999 but due to a slow housing market, several punch list and clean-up items were not completed until 2006. Subsequently, a final escrow release was executed in 2006 and due to an oversight, these roads were not included in a street acceptance submission that year. The Town of Derry DPW has been maintaining both Willow St. and Lilac Ct. since 2006.

The Planning Board voted on April 5, 2017 to recommend the acceptance of these streets to the Town Council. The Derry Town Council voted on April 18, 2017 to accept these streets as presented.

During a title examination for the Town's grant funded acquisition of the Caras parcel, legal counsel sought formal language that the stub was also included in the April 18, 2017 acceptance by Town Council. It was determined that the Town Council should explicitly state the intent to also accept the stub, thus requiring another affirmative action by Town Council.

FISCAL IMPACT

No additional fiscal impact from current DPW budget

RECOMMENDED ACTION BY COUNCIL

It is recommended that the Town Council vote to accept Willow Street and Lilac Court to include the stub from Willow Street.

RECOMMENDED MOTION

See attached Resolution 2017-029A



RESOLUTION

Number 2017-029A

To Accept Willow Street and Lilac Court as Class V Town Roads

WHEREAS, RSA 674:40 and 674:40-a authorizes the Town Council to accept streets as shown on a subdivision plan approved by the planning board; and

WHEREAS, the Derry Planning Board approved a subdivision in 1997 which resulted in the construction of Willow Street and Lilac Court and included a dedicated access stub leading to Map 2, Lot 70 (and formally noted as Lot 0270) as shown on an approved plan recorded in the Rockingham County Registry of Deeds as Plan D-25280, and which lies between Lots 0269-14 and 0269-15 as shown on said plan; and

WHEREAS, the roads were considered complete in 2006, have been maintained by the Town since that date, but were never formally accepted by the Council due to an administrative oversight until April 18, 2017; and

WHEREAS, the Council should further accept the access stub as previously described, and the Derry Planning Board will vote to clarify that the acceptance included the stub as an administrative agenda item at its July 19, 2017 meeting;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that Resolution 2017-29 as voted by the Town Council to accept Willow Street and Lilac Court Class V roadways is hereby amended to include the access stub as previously described.

This Resolution shall take effect immediately upon its passage.

Adopted: July 18th, 2017

Attest:

X _____
Joshua Bourdon, Council Chair

Date: _____

X _____
Daniel Healey, Town Clerk

Date: _____