



AGENDA ITEMS #: 23-85
COUNCIL MTG OF: July 11, 2023
FROM: David Caron, Town Administrator
OFFERED BY: Administration
PREPARED BY: Administration
SUBJECT: Seek authorization to amend conservation easement on Lot 11097

STAFF REPORT

PURPOSE: To seek Town Council authorization to amend conservation easement on Lot 11097 to access the potential municipal water tower site at 82 English Range.

TOWN ADMINISTRATOR COMMENTS: Please see comments within this staff report.

BACKGROUND:

The Town Council has adopted various resolutions since January which authorized a partnership with the Conservation Commission to acquire 42.7 acres of land from the Donald Ball Irrevocable Trust. The purchase would involve approximately 43 acres of the 50.9-acre parcel; the land being secured by the Town would remain predominantly in conservation, with a carve out for a potential location for a water tank for the municipal water system as envisioned in the water system master plan. Upon a review of the plans, the preferred access to the potential water tank location is from an adjoining lot owned by Phil Ferdinando over which the Town previously purchased a Conservation Easement. Town Counsel Brenda Keith has advised that an amendment to the Conservation Easement is required to use this property as access to the water tank location.

DISCUSSION:

The only action required of the Council to amend the Conservation Easement Deed, which was obtained by the Town on August 1, 2002, and recorded at Rockingham County Registry of Deeds, Book 3817, Page 0822. The underlying conservation easement acquired by the Town will remain in effect.

FISCAL IMPACT:

No fiscal impact

RECOMMENDED MOTION:

Please see Resolution #2023-056

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RESOLUTION

Number 2023-056

To Amend a Conservation Easement over Lot 11097

WHEREAS, Section 5.1 of the Town Charter designates the Town Council as the governing and legislative body of the Town; and

WHEREAS, the Town Council under Resolution #2023-049 authorized the purchase of 42.7 acres at 82 English Range Road for conservation purposes; and

WHEREAS, the location of this parcel has been identified by the Water Division as preferable for the potential future location of a water tank; and

WHEREAS, the Town Council under Resolution #2023-012 has appropriated \$100,000 to secure the potential water tank site;

WHEREAS, access to the water tank location is preferable over Lot 11097; and

WHEREAS, the Town previously secured a Conservation Easement Deed over Lot 11097, duly recorded at Rockingham County Registry of Deeds Book 3817 Page 0822;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Town Council hereby authorize an amendment to the Town's easement over a portion of Lot 11097 for the purpose of locating a utility easement within the current easement. The utility easement is for access to the Ball lot (11087) where a water tower may be installed.

This Resolution shall take effect immediately upon its passage.

Adopted: July 11, 2023.

Attest:

X _____

Charles Foote, Council Chair

Date: _____

X _____

Cristina Guilford, Town Clerk

Date: _____