



RESOLUTION

Number 2022-066

To Accept a Dedicated Easement as a Class A Trail at Harvest Estates

WHEREAS, Section 5.1 of the Town Charter vests in the Town Council the powers of the legislative and governing bodies; and

WHEREAS, RSA 231-A provides for the acceptance of a dedicated access easement as a Class A Trail; and

WHEREAS, the Town Council, as the Legislative body, pursuant to state statute is the only body that accepts dedicated ways; and

WHEREAS, an "Easement for Future Access"—a dedication—is shown on a plan recorded in the Rockingham County Registry of Deeds as Plan D-18363 and said access runs from Lot 10115-23 (also known as 29 Village Brook Lane) and land that was later subdivided as Harvest Estates; and

WHEREAS, the Town Council has not previously formally accepted the dedicated access from Village Brook Lane to Harvest Drive; however, the developer has taken such actions such as installing a paved way with Bollards installed at each end so as to afford access to emergency vehicles as an emergency lane as well as a public, non-motorized way; and

WHEREAS, the Town Council now finds it necessary to accept the dedication of this access, with the improvements as is, as a Class A Trail to ensure continued use by the public; and

WHEREAS, public trail use restrictions shall restrict use to bicycle, foot and other non-motorized travel with the exception that the owners of 27 Village Brook Road and 29 Village Brook Road can continue to use the trail for vehicular access; and

WHEREAS, the use restrictions shall not affect nor extinguish the use as an emergency access lane opened to emergency vehicles;

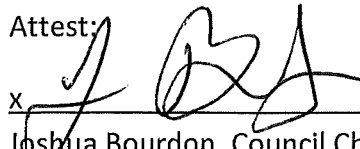
NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the dedicated access is hereby accepted as a Class A Trail across lot 10115-23 as shown on the Plan D-18363.

This Resolution shall take effect immediately upon its passage.

Adopted: September 20, 2022.


Attest:

x


Joshua Bourdon, Council Chair

Date: 9/20/22

x


Tina Guilford, Town Clerk

Date: 9-20-22

Archival Ref: TC Agenda Item #22-98