

**STAFF REPORT**  
**April 26, 2021**

**Topic:** Easement to construct a new drainage outlet from Franklin Street to Lake Opechee

**Discussion:** Public Works to improve the drainage along Franklin Street from Washington Street to Fairmont Street needs a new drainage outlet to Lake Opechee. NH Department of Environmental Services' regulations require the City to install some form of a water quality system to treat stormwater before it goes into a water body. Public Works has been in discussions with BDKS LLC, the owner of 42 Franklin Street, to obtain an easement for the new outlet to Lake Opechee to include the stormwater treatment system. BDKS, LLC has agreed to give the City an easement in exchange for lot 366/ 82/ 5/ which the City's tax records have as owned by the City. A review of the deeds and other records on this lot leads Public Works and the City Attorney to believe that ownership of the lot is ambiguous. The records indicate that the lot was intended to provide the City with an area to construct a public street from Franklin Street to the west end of Bayside Court (a private street). The City never constructed the public street, and the Council never accepted the area identified for the road as a City right of way. The conflicting records leads the City Attorney to believe that we do not own the lot but that we have some rights to use the lot. BDKS owns the land on three of the 4 sides of the lot 366/ 82/ 5/. The fourth side abuts Franklin Street.

Public Works and the City Attorney recommend that the City Council approve the quit claim deed that is attached in exchange for the easement for the new drainage outlet.

**Fiscal Impact:** The estimated cost to complete the documentation for the easement is \$2,000. The cost will be paid from the City's annual road maintenance program.

**Recommendation:** City Council approve Public Works' request to quitclaim lot 366/82/5 in exchange for a drainage easement on the west end of BDKS' property at 42 Franklin Street

**Report Submitted by:** Wesley B. Anderson, Director of Public Works.

**Proposed Motion:**

*"I move to waive a reading of the quitclaim deed in its entirety and to read by title only."*

*"I move that the City Council approve the quitclaim deed for lot 366/82/5 and authorize the City Manager to sign the deed."*