



TOWN COUNCIL – AGENDA REQUEST FORM

THIS FORM WILL BECOME PART OF THE BACKGROUND INFORMATION USED BY THE COUNCIL AND PUBLIC

Please submit Agenda Request Form, **including back up information**, 8 days prior to the requested meeting date. **Public Hearing requests must be submitted 20 days prior to requested meeting date to meet publication deadlines** (exceptions may be authorized by the Town Manager, Chairman/Vice Chair).

MEETING INFORMATION

Date Submitted: August 14, 2020
Submitted by: Attorney Patricia Panciocco
Department:
Speakers:

Date of Meeting: September 10, 2020
Time Required: 15 minutes
Background Info. Supplied: Yes: No:

CATEGORY OF BUSINESS (PLEASE PLACE AN "X" IN THE APPROPRIATE BOX)

Appointment:	<input type="checkbox"/>	Recognition/Resignation/Retirement:	<input type="checkbox"/>
Public Hearing:	<input type="checkbox"/>	Old Business:	<input type="checkbox"/>
New Business:	<input checked="" type="checkbox"/>	Consent Agenda:	<input type="checkbox"/>
Nonpublic:	<input type="checkbox"/>	Other:	<input type="checkbox"/>

TITLE OF ITEM

"Undedication" of Former Jebb Road Right-of-Way

DESCRIPTION OF ITEM

The Town Council to review and consider a proposed motion requesting that the Town of Merrimack release former Jebb Road right of way.

REFERENCE (IF KNOWN)

RSA:	Warrant Article:	_____
Charter Article:	Town Meeting:	_____
Other:	N/A	

EQUIPMENT REQUIRED (PLEASE PLACE AN "X" IN THE APPROPRIATE BOX)

Projector:	<input type="checkbox"/>	Grant Requirements:	<input type="checkbox"/>
Easel:	<input type="checkbox"/>	Joint Meeting:	<input type="checkbox"/>
Special Seating:	<input type="checkbox"/>	Other:	<input type="checkbox"/>
Laptop:	<input type="checkbox"/>	None:	<input type="checkbox"/>

CONTACT INFORMATION

Name:	Patricia Panciocco	Address:	1 Club Acre Lane
Phone Number:	603-518-5370	Email Address:	pat@panciocolaw.com

APPROVAL

Town Manager: Yes No: Chair/Vice Chair: Yes No:
 Hold for Meeting Date: _____

PANCIOCCO LAW, LLC

Patricia M. Panciocco *
*Admitted in NH & ME

One Club Acre Lane
Bedford, New Hampshire 03110
www.panciocolaw.com

Tel. 603-518-5370
Fax 603-206-5946
E-mail: Pat@panciocolaw.com

August 14, 2020

VIA E-MAIL ONLY

Eileen Cabanel, Town Manager
Town of Merrimack
6 Baboosic Lake Road
Merrimack, NH 03054

**Re: "Undedication" of Former Jebb Road Right of Way
Lorie F. Ruland and Rodd R. Ruland Trustees of the
Lorie F. Ruland Revocable Trust, et al v. Town of Merrimack, et al.
Docket No. 226-2020-CV-00096**

Dear Town Administrator Cabanel:

Enclosed for review for the Town Council meeting scheduled for September 10, 2020, please find the proposed Motion Requesting Town of Merrimack Town Council Release Unnamed Right of Way Show on Tax Map 6A-2 relative to the above-referenced.

Should you have any questions, please feel free to contact this office. Thank you.

Sincerely,

Patricia M. Panciocco

Patricia M. Panciocco

Enclosure

cc: Client
Steven M. Whitley, Esq. (via e-mail)

**MOTION REQUESTING TOWN OF MERRIMACK TOWN COUNCIL
RELEASE UNNAMED RIGHT OF WAY SHOWN ON TAX MAP 6A-2**

Jan C. Langer, Trustee of the Jan C. Langer Revocable Trust; Lynn C. Langer, Trustee of the Lynn C. Langer Revocable Trust and Lorie F. Ruland, Trustee of the Lorie F. Ruland Revocable Trust, hereby request the Town of Merrimack, through its Town Council, release pursuant to RSA 231:51 the prior dedication of a certain unnamed paper street shown on Town of Merrimack Tax Map 6A-2 which bisects their lots from all remaining public servitude and to remove it from the Tax Map 6A-2 and in support state as follows:

Background

1. On July 3, 1924, a plan entitled "*FESSENDEN AND LOWELL'S HOUSE LOTS ON EAST SHORE OF BABBOOSIC POND, MERRIMACK, NH*" last updated on July 3, 1924 was recorded in the Hillsborough County Registry of Deeds ("Registry") as Plan No. 528, creating 12 lots fronting along Baboosic Lake in the Town of Merrimack, Hillsborough County, New Hampshire to be accessed over an unnamed 12-foot wide right-of-way ("UNNAMED ROW").

2. On May 24, 1977, a second plan entitled "*Subdivision Plan of Land in Merrimack, N.H. Prepared for Paul Shields, 10 Jade Hill Road Auburn, Massachusetts*" was recorded in the Registry as Plan No. 10207, creating 7 new lots fronting along Baboosic Lake Road, a remainder Lot 5-8, and widening the UNNAMED ROW.

3. In 1978, a third plan entitled "*SUBDIVISION PLAN OF LAND IN MERRIMACK, N. H.*" last revised May 1, 1978 was recorded as Plan No. 12233, which in part, re-subdivided Lot 5-8 into 9 lots and requires the new lots be sold with their applicable Lake frontage lots directly across the cart road.

4. As of the date listed below, the UNNAMED ROW remains heavily wooded and has not been open, built, or used for public travel within 20 years from its dedication.

5. This request is limited to the UNNAMED ROW which bisects the following Parties' Parcels ONLY. By vote at the January 2, 1997 Board of Selectmen meeting, the Town of Merrimack previously released the dedication of the UNNAMED ROW on the 4 Langer Way property shown as Lot 163 and 164 on Tax Map 6A2 and presently owned by Jan C. Langer, Trustee of the Jan C. Langer Revocable Trust. These lots were thereafter subject to a Notice of Voluntary Merger dated May 20, 1997 recorded at Book 5815, Page 104 in the Registry.

Parties Parcels

6. Jan C. Langer, Trustee of the Jan C. Langer Revocable Trust and Lynn C. Langer, Trustee of the Lynn C. Langer Revocable Trust own 2 separate parcels having mailing addresses of 24 and 25 Jebb Road, Merrimack, New Hampshire which are shown on Tax Map 6A2 as Lot 156-6 and Lot 165 by deed dated May 28, 2020 recorded on May 29, 2020 at Book 9300, Page 912 in the Registry.

7. Lynn C. Langer, Trustee of the Lynn C. Langer Revocable Trust owns 2 separate parcels having a mailing address of 2 Langer Way, Merrimack, New Hampshire shown as Lot 164 and Lot 156-7 on Tax Map 6A2, by deed dated October 6, 2005 and recorded on October 13, 2005 at Book 7563, Page 2082 in the Registry. These lots were subject to a Notice of Voluntary Merger dated March 24, 2000 recorded at Book 6315, Page 1717 in the Registry.

8. Lorie F. Ruland, Trustee of the Lorie F. Ruland Revocable Trust owns two (2) separate improved parcels of land having mailing addresses of 312 and 312B Baboosic Lake Road, Merrimack, New Hampshire shown as Lot 156-9 and Lot 159 on Tax Map 6A2 by deed dated June 1, 2020 recorded at Book 9301, Page 358 in the Registry.

9. If granted, this Order shall be recorded in the Registry and the Petitioners shall file an assented to motion to non-suit with prejudice the related court action, filed with the Hillsborough County Superior Court - South in Docket No. 226-2020-CV-00096.

Respectfully submitted,

Jan C. Langer, Trustee of the Jan C. Langer Revocable Trust
Lynn C. Langer, Trustee of the Lynn C. Langer Revocable Trust
Lorie F. Ruland, Trustee of the Lorie F. Ruland Revocable Trust

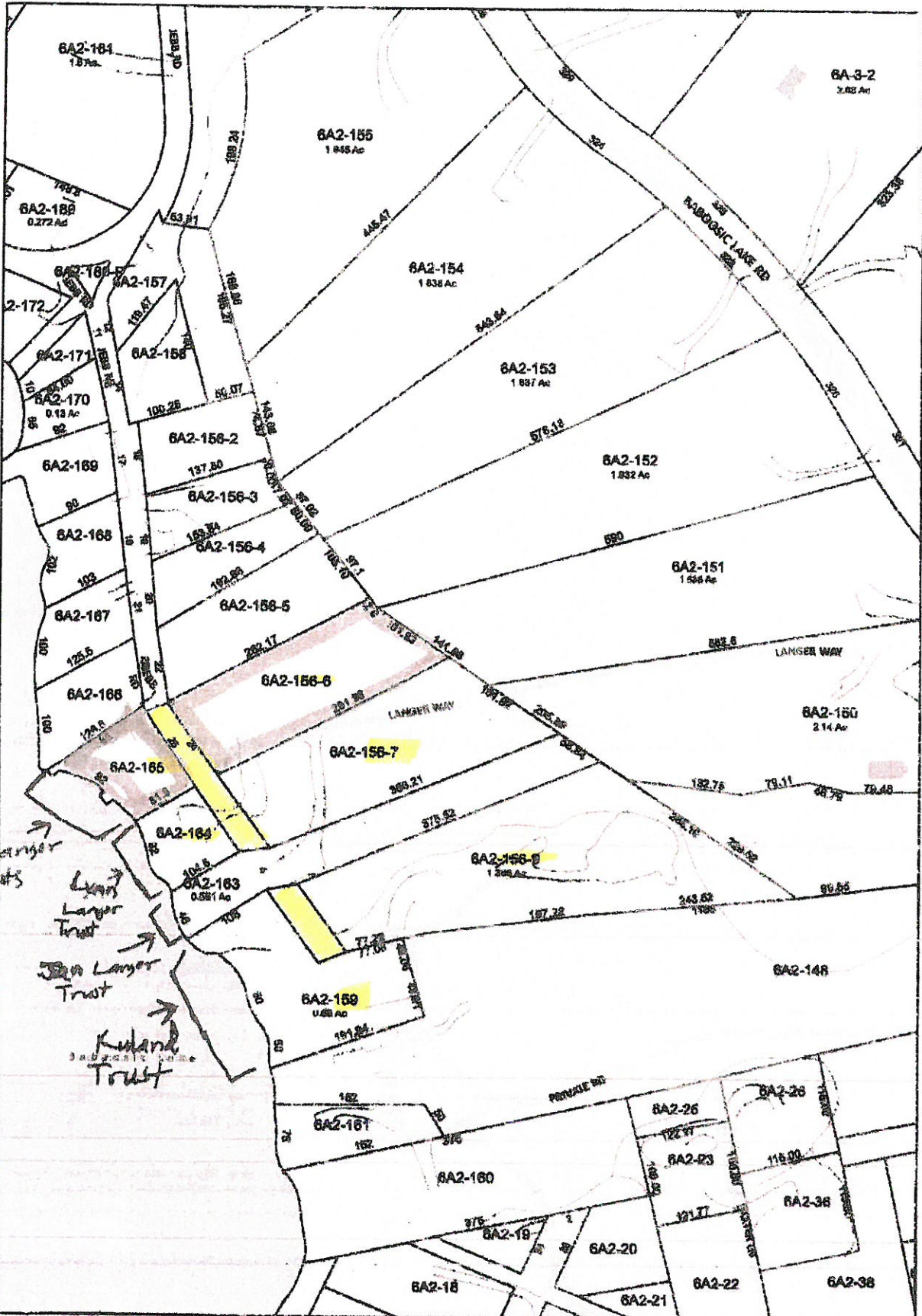
This Motion was ___granted ___denied by the Town of Merrimack Town Council on _____, 2020.

Duly authorized

STATE OF NEW HAMPSHIRE
COUNTY OF _____

On this ____ day of _____, 2020, before me, personally appeared _____, as authorized by the Town of Merrimack Town Council, known to me or satisfactorily proven to be the person whose name is subscribed to the foregoing instrument, and acknowledged that they executed the same for the purposes therein contained, as their free act and deed and in the aforementioned capacity.

Notary Public
Printed Name:
My Commission Expires:



Jan & Lynn
 Larger Trusts
 →
 Lynn Larger Trust
 →
 Jan Lynn Trust
 →
 Kuland Trust
 →

W E
JEBB ROAD
 0 50 100 200 Feet
 1 inch = 100 feet

This State of Michigan GIS data is provided for informational purposes only. It is not intended to be used for legal purposes. The State of Michigan does not warrant the accuracy or completeness of this information.