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New Hampshire DOT Department of Transportation

THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION

Victoria F. Sheehan
Commissioner

William Cass, P.E.
Assistant Commissioner

His Excellency, Governor Christopher T. Sununu
and the Honorable Council
State House
Concord, New Hampshire 03301

Bureau of Right-of-Way
February 17, 2021

REQUESTED ACTION

Pursuant to RSA 4:39-c and 228:31, authorize the Department of Transportation (Department) to sell an 18,000 +/- square foot parcel of land located just north of the Route 28A / Route 28 Intersection in the Town of Alton, directly to Thomas and Virginia Stevenson (Grantees). The approved price for the property is $5,600.00 which includes a $1,100.00 Administrative Fee, effective upon Governor and Executive Council approval.

The Department's Bureau of Finance and Contracts determined the subject property was purchased with 100% Highway Funds and proceeds will be credited as follows:

04-096-096-960015-0000-UUU-409279 Sale of Parcel (100% of $4,500.00)	FY 2021 $4,500.00
04-096-096-960015-0000-UUU-402156 Administrative Fee	FY 2021 $1,100.00

EXPLANATION

The Department received a request from the Grantees to purchase the subject property located in the Town of Alton.

The subject parcel is located outside of the NH Route 28A right-of-way, and is a portion of a larger parcel which was acquired by the Department as part of a land exchange in 1960.

The Grantees are the current owners of the East Alton General Store and a portion of their building and parking area is encroaching inside the right-of-way and acquiring this parcel will correct the encroachment.

It was determined after a departmental review that the subject property is surplus to the Department's operational needs and available for disposal.

On February 21, 2018, the Long Range Capital Planning and Utilization Committee granted conditional approval with the following explanation: "The Committee approved the request with the condition that the Department correct errors found pertaining to the property location in paragraph one under "Explanation," specifically the route number and town name."

The errors have been corrected and the Department is respectfully requesting authorization to sell the subject property as noted above.

Sincerely,

Victoria F. Sheehan
Commissioner

VFS/SGL/lmw
Attachments

MICHAEL W. KANE, MPA
Legislative Budget Assistant
(603) 271-3161

CHRISTOPHER M. SHEA, MPA
Deputy Legislative Budget Assistant
(603) 271-3161

LRCP 18-002

State of New Hampshire

OFFICE OF LEGISLATIVE BUDGET ASSISTANT
State House, Room 102
Concord, New Hampshire 03301

STEPHEN C. SMITH, CPA
Director, Audit Division
(603) 271-2785

DEPT. OF TRANSPORTATION
RIGHT-OF-WAY

FEB 26 2018

RECEIVED

February 22, 2018

Charles R. Schmidt, P.E., Administrator
Department of Transportation
Bureau of Right-of-Way
John O. Morton Building
Concord, New Hampshire 03301

Dear Mr. Schmidt,

The Long Range Capital Planning and Utilization Committee, pursuant to the provisions of RSA 4:39-c, on February 21, 2018, **conditionally** approved the request of the Department of Transportation, Bureau of Right-of-Way, to sell an 18,000 +/- square foot parcel of State owned land located on the northerly side of NH Route 28A in the Town of Alton directly to Thomas Stevenson and Virginia Stevenson for $5,600, which includes a $1,100 Administrative Fee, subject to the conditions as specified in the request dated January 16, 2018.

The Committee approved the request with the condition that the Department correct the errors found pertaining to the property location in paragraph one under "Explanation", specifically the route number and town name.

Sincerely,

Michael W. Kane
Legislative Budget Assistant

MWK/pe
Attachment

(4101-7)
LRCP 18-002
CORRECTED

STATE OF NEW HAMPSHIRE
INTER-DEPARTMENT COMMUNICATION

FROM: Charles R. Schmidt, PE
Administrator CRS

DATE: January 16, 2018

AT: Dept. of Transportation,
Bureau of Right-of-Way

SUBJECT: **Sale of State Owned Land in Alton**
RSA 4:39-c

TO: Representative Gene Chandler, Chairman
Long Range Capital Planning and Utilization Committee

REQUESTED ACTION

The Department of Transportation, pursuant to RSA 4:39-c, requests authorization to sell an 18,000 +/- square foot parcel of State owned land located on the northerly side of NH Route 28A in the Town of Alton directly to Thomas Stevenson and Virginia Stevenson for $5,600.00 which includes a $1,100.00 Administrative Fee, subject to the conditions as specified in this request.

EXPLANATION

The Department of Transportation has received a request from an abutter, Thomas Stevenson and Virginia Stevenson for the opportunity to acquire a parcel of State owned land consisting of 18,000 +/- square feet located on the northerly side of NH Route 28A, in the Town of Alton.

This parcel, which is located outside the NH Route 28A right of way, is a portion of a larger parcel acquired by the State of New Hampshire as part of a land exchange in 1960.

The Stevenson's are the current owners of the East Alton General Store which a portion of their building and parking is encroaching inside this area. Acquisition of this parcel will correct this encroachment.

This request has been reviewed by this Department of Transportation and it has been determined that this parcel is surplus to our operational needs and interest.

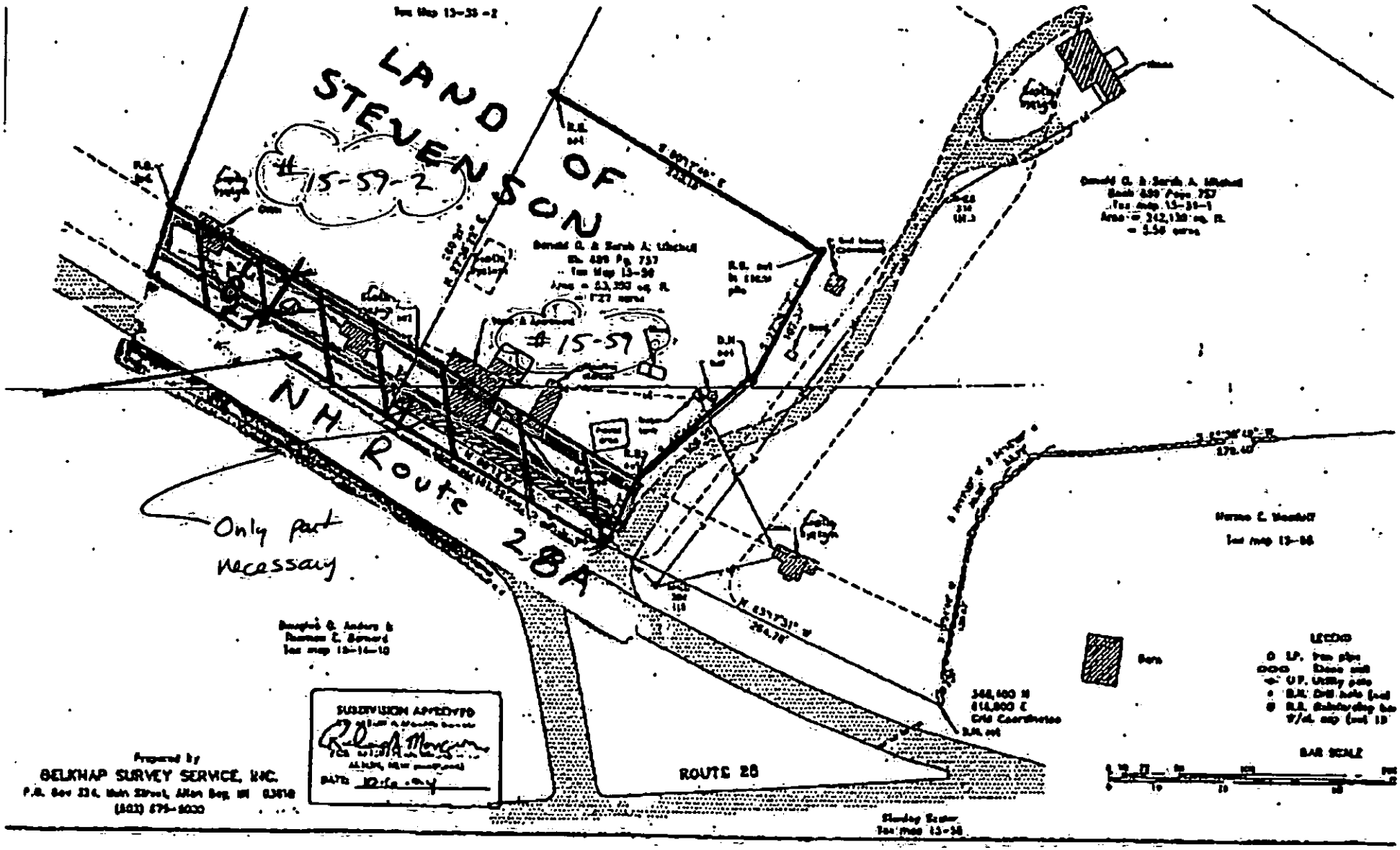
A staff appraiser from this Department of Transportation completed an opinion of value for the subject property for the purpose of establishing a contributory market value for this 18,000 +/- square foot parcel. The appraiser used three (3) sales in Alton as comparable. Based upon the analysis and adjustments of those sales, it was felt that a reasonable contributory value for the subject as of November 20, 2017, to be $4,500.00.

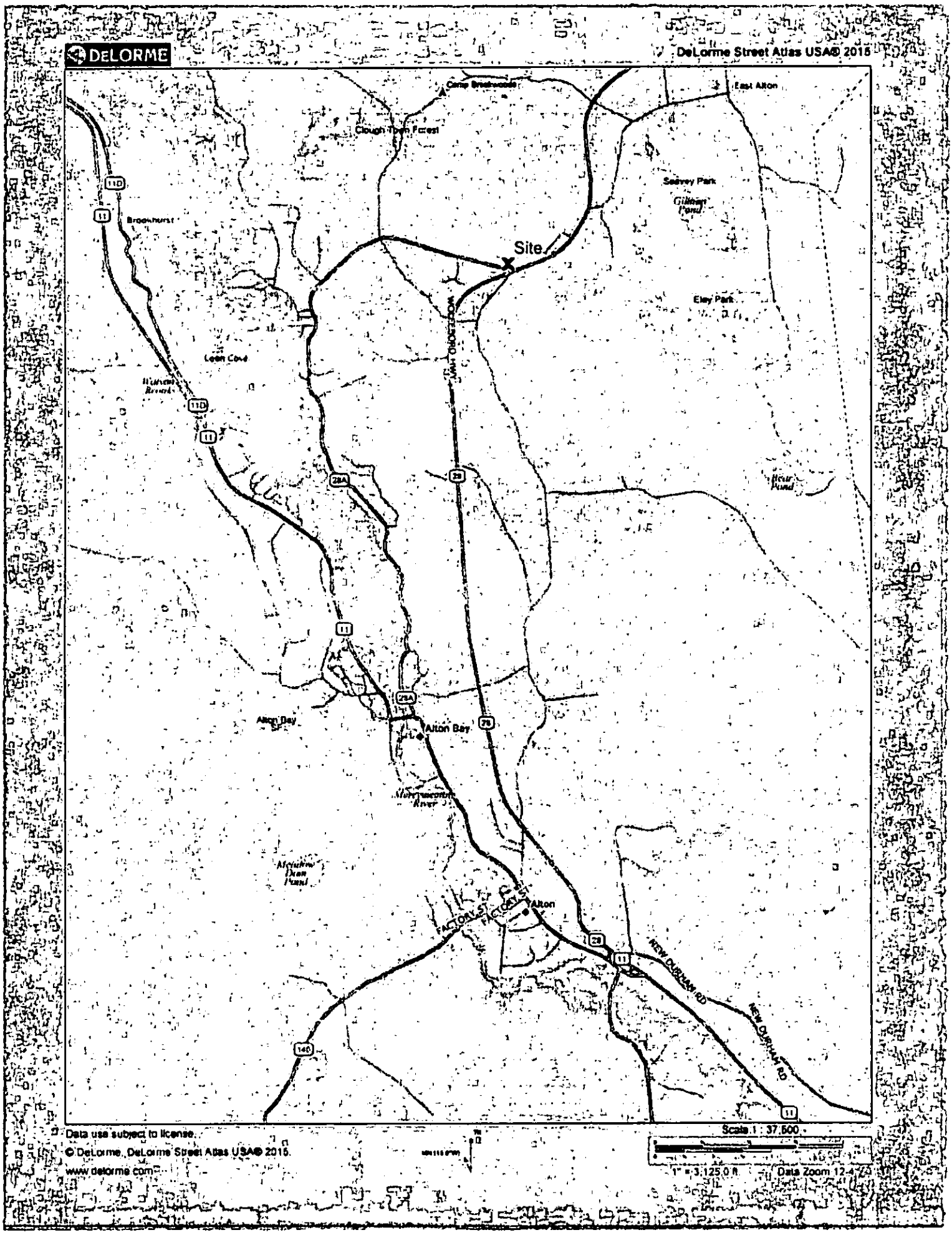
Whereas the parcel is not a stand-alone building lot on its own and only has utility to the abutter, the Department of Transportation proposes a direct sale of this parcel to the Thomas Stevenson and Virginia Stevenson for $5,600.00, which includes an Administrative Fee of $1,100.00.

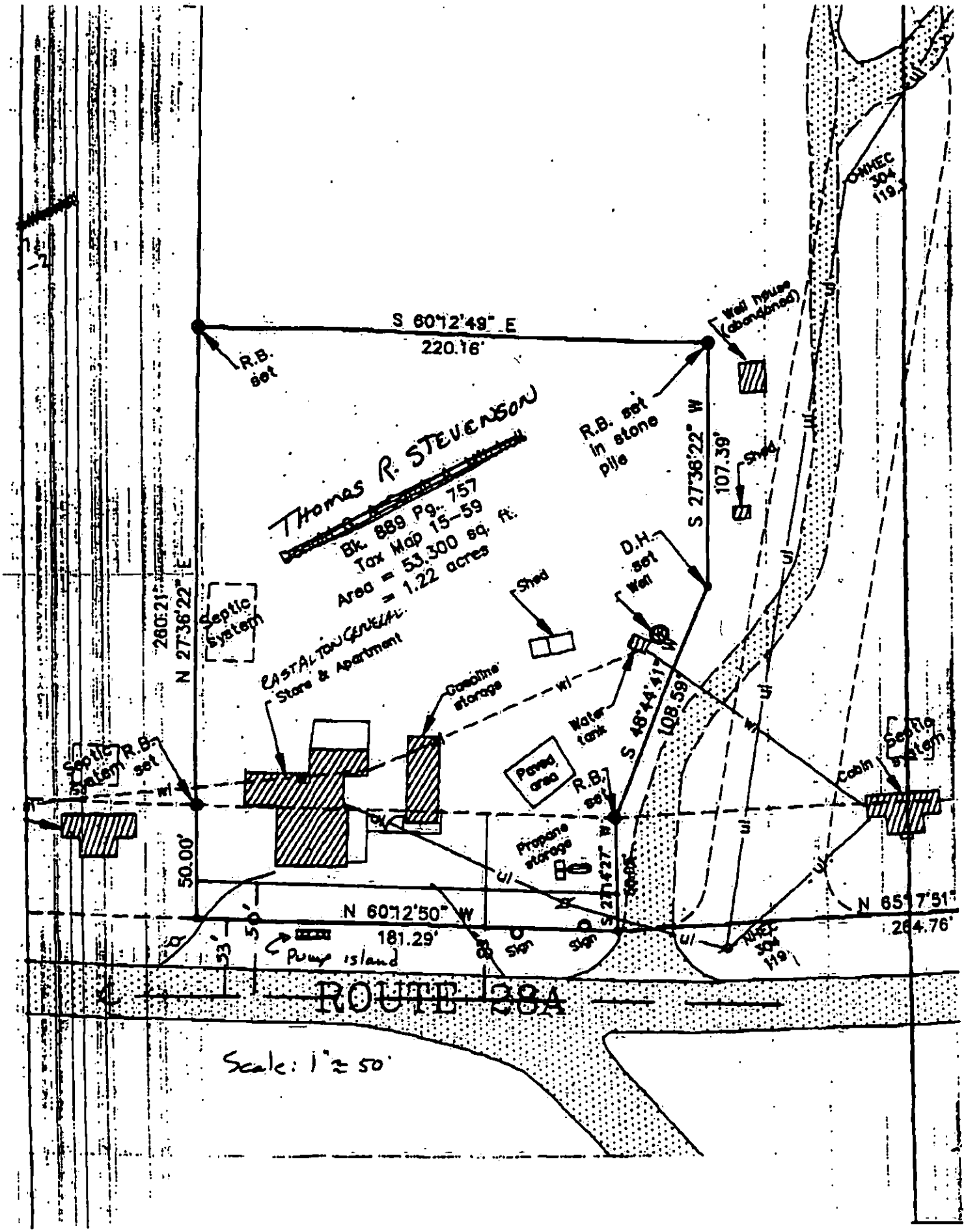
Authorization is requested to sell the subject parcel as outlined above.

CRS/PJM/jl
Attachments

T:\PROPMNGT\2018\Long Range\Alton\Stevenson0110.doc


LAND OF STEVENSON
#15-59-2
#15-59
NH Route 28A
Only part necessary
ROUTE 28
Barn
LEGEND
BAR SCALE
SUBDIVISION APPROVED
Prepared by
BELKNAP SURVEY SERVICE, INC.

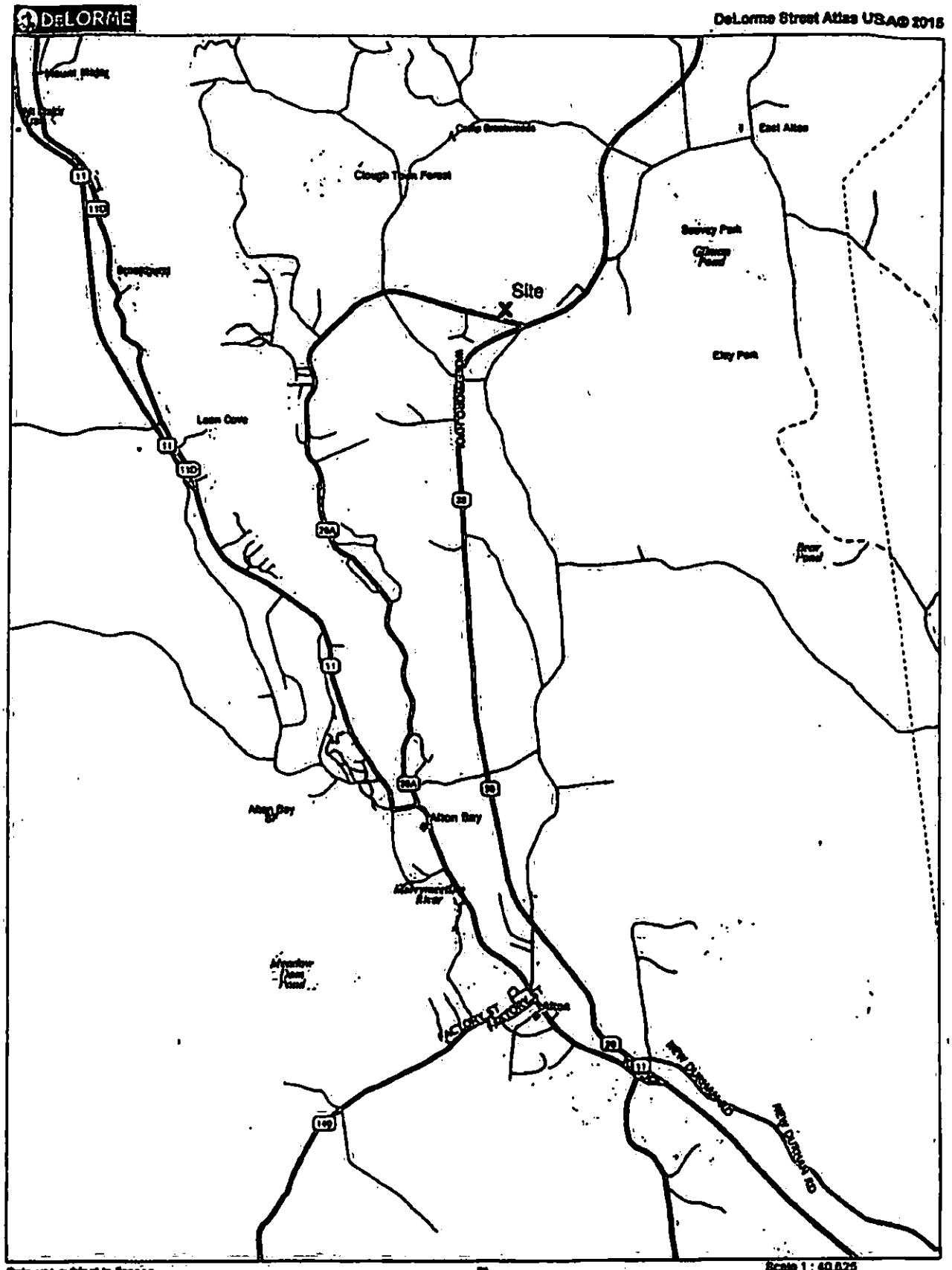

DeLorme
DeLorme Street Atlas USA® 2015
Camp Brookwoods
East Alton
Clough Town Forest
Seavey Park
Gillman Pond
Brookhurst
Site
Eley Park
WOODBORO HWY
Leon Cove
Watson Brook
Bear Pond
Alton Bay
Alton Bay
Merrymeeting River
Meadow Dam Pond
FACTORY ST
FACTORY ST
Alton
NEW DURHAM RD
NEW DURHAM RD
11D
11
28A
28
140
Data use subject to license.
© DeLorme. DeLorme Street Atlas USA® 2015.
www.delorme.com
Scale 1 : 37,500
1" = 3,125.0 ft.
Data Zoom 12-4


S 60°12'49" E
220.16'
R.B. set
Well house (abandoned)
R.B. set in stone pile
S 27°36'22" W
107.39'
Shed
Thomas R. STEVENSON
Bk. 889 Pg. 757
Tax Map 15-59
Area = 53,300 sq. ft.
= 1.22 acres
D.H. set
Well
Shed
Septic system
N 27°36'22" E
260.21'
EASTALTON GENERAL Store & Apartment
Gasoline storage
Water tank
S 48°44'41" W
108.59'
Paved area
R.B. set
Septic system
R.B. set
Propane storage
Cabin
Septic system
50.00'
N 60°12'50" W
181.29'
N 65°17'51"
264.76'
Pump island
Sign
Sign
ROUTE 38A
Scale: 1" = 50'

STATE OF NEW HAMPSHIRE
DEPARTMENT OF REVENUE
ADMINISTRATION

MOSAIC PARCEL
MAP SHARING
POOL

This map was compiled using data believed to be accurate; however, a degree of error is inherent in all maps. This map was distributed "AS-IS" without warranties of any kind, either expressed or implied, including but not limited to warranties of suitability to a particular purpose or use. No attempt has been made in either the design or production of the maps to define the limits or jurisdiction of any federal, state, or local government. Detailed on-the-ground surveys and historical analyses of sites may differ from the maps.



Data use subject to license.
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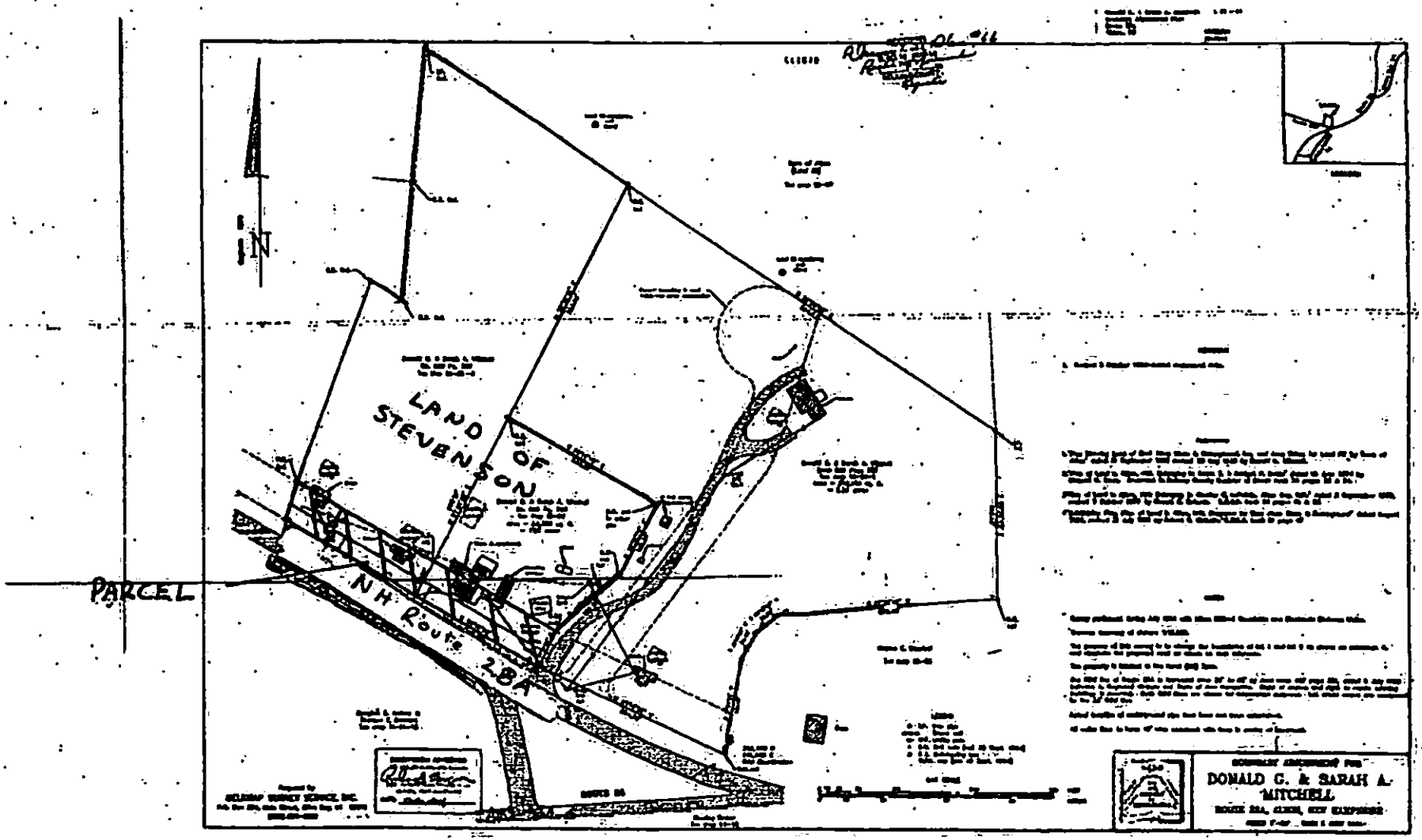
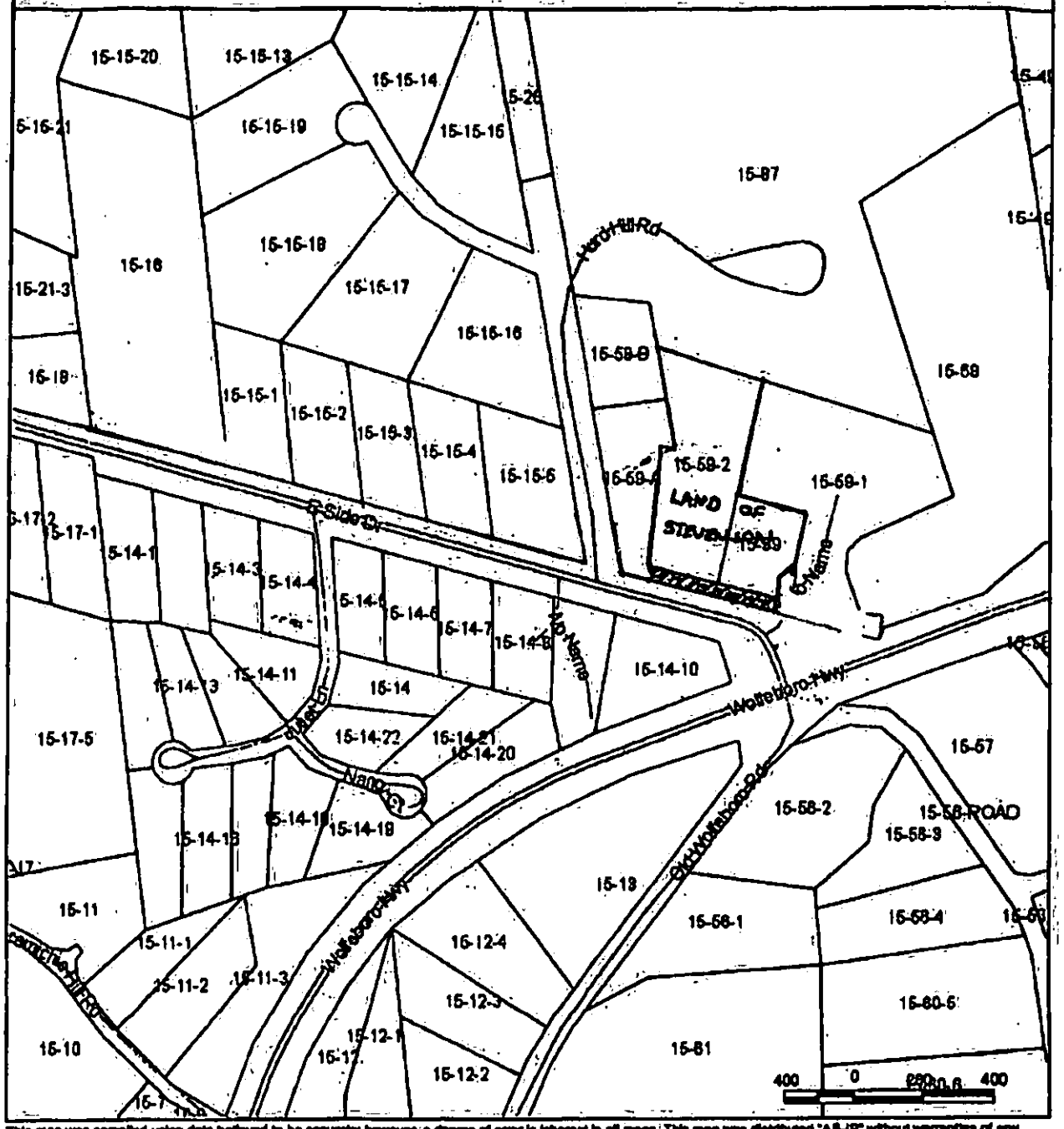
www.delorme.com


N
LAND OF STEVENSON
PARCEL
NH Route 28A
DONALD C. & SARAH A. MITCHELL

STATE OF NEW HAMPSHIRE
DEPARTMENT OF REVENUE
ADMINISTRATION

MOSAIC PARCEL
MAP SHARING
POOL



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map: State land requested by Stevenson

Surplus Property Appraisal Report

Location / Address: Route 28A, Alton - Stevenson Parcel 15/59	
Effective Date: November 20, 2017	Date of Report: December 21, 2017
Appraiser: George LeMay, NHCG#38	Contributory Value: $ 4,500

About This Appraisal

The Client for this appraisal is the New Hampshire Department of Transportation (NHDOT). Intended users of this appraisal report include the client's agents and officials, and members of the Long Range Capital and Utilization Committee. I have not prepared this appraisal report for any other use, nor do I intend any other users to be able to rely on it. The intended use of this appraisal is to estimate a market value[1] of the client's partial interest in the subject property so the intended users may make informed decisions about potential real estate agencies' listing proposals.

In this case, the subject property does not have an independent highest and best use due to the limited rights being valued. Per the New Hampshire Department of Transportation, Right of Way Manual[2], I have therefore appraised the subject's contributory value[3] to the abutting sites (as if vacant).

About the Subject

The subject is located in Alton's RU (Rural) zone, just north of the northern Route 28A / Route 28 intersection. It consists of a 50 foot deep strip from the edge of the Route 28A right of way into two sites presently owned by Thomas R. Stevenson. According to Phillip Miles, Chief of Property Management, both sites together encompass an area of 18,000 square feet. These sites are identified as 793 East Side Drive, and 785-791 East Side Drive in Alton, and are encumbered by two small residences, a garage/storage building, and a mixed use building containing a country store and an apartment. There is no sign of the gas pumps that were in front of the Country Store, and the parking area was recently repaved prior to our site visit. With the exception of the apartment on the second floor of the convenience store, the buildings appeared vacant at the time of my inspection.

The most significant aspect of the rights appraised is that it only represents a partial interest. The rights conferred in the 1960 deed are limited by a right of way retained by the grantor over the parcels, and the right to continue to occupy the areas for as long as the buildings exist. Whether the rights being valued are analogous to those of a property owner whose property extends to the centerline of an easement highway or whether the deed language only conveys a single access point is a question of law. It appears to me that the deed's intent was to provide a straight boundary line for Route 28, while all of the utility the grantor enjoyed (at the time the deed was executed) could

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[1] Market Value. The Uniform Appraisal Standards for Federal Land Acquisitions in paragraph 1.2.4, defines Market Value as: "*Market value is the amount in cash, or on terms reasonably equivalent to cash, for which in all probability the property would have sold on the effective date of value, after a reasonable exposure time on the open competitive market, from a willing and reasonably knowledgeable seller to a willing and reasonably knowledgeable buyer, with neither acting under any compulsion to buy or sell, giving due consideration to all available economic uses of the property.*"

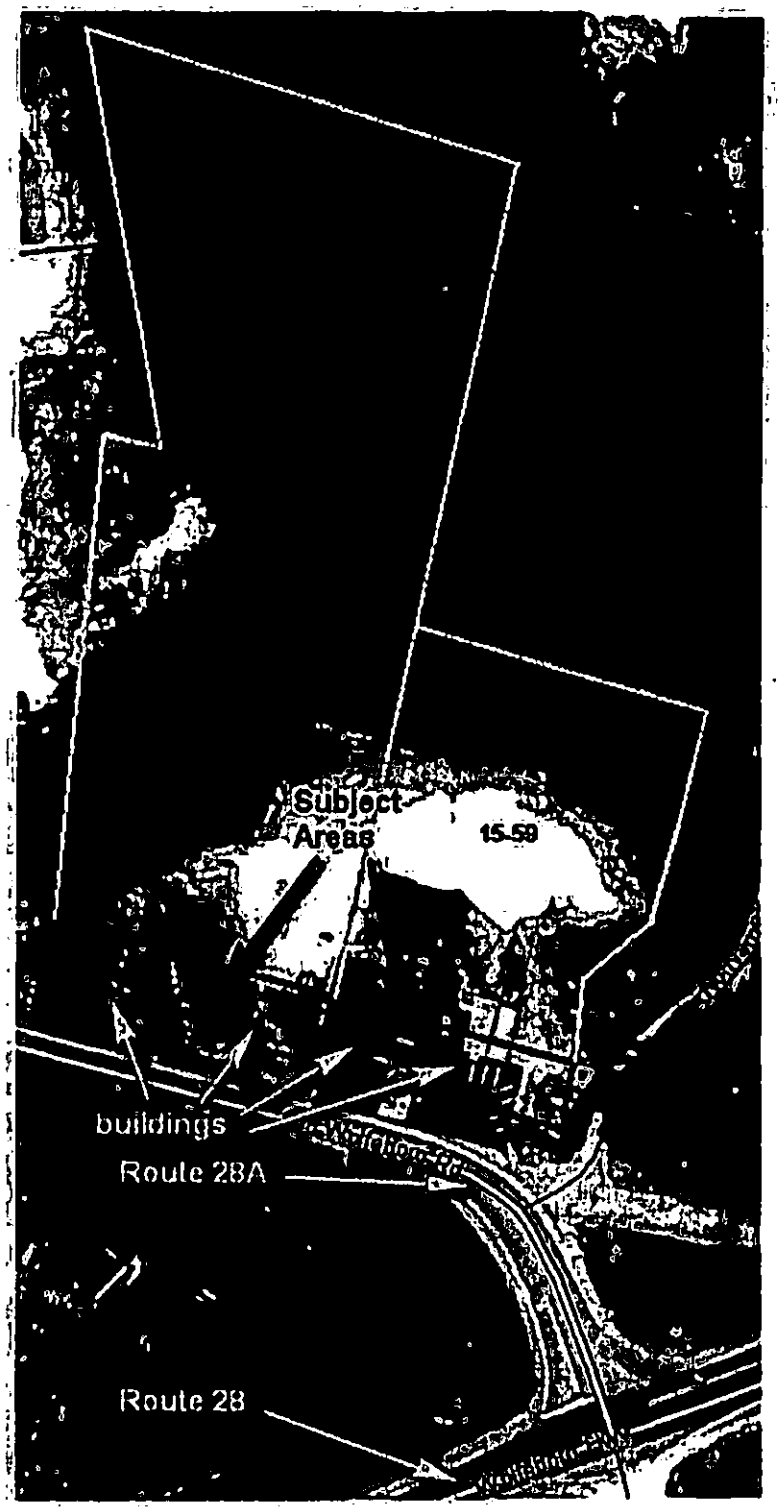
[2] The relevant portion of the Right of Way Manual reads, "remnant parcels that, because of size, shape or access, do not have an independent value will be appraised as to their contributory value to abutting parcels."

[3] Contributory Value is "1. A type of value that reflects the amount a property or component of a property contributes to the value of another asset or to the property as a whole. 2. The change in the value of a property as a whole, whether positive or negative, resulting from the addition or deletion of a property component. Also called *depreciation* in some countries." – The Dictionary of Real Estate Appraisal, 6th edition, the Appraisal Institute.

continue indefinitely. Clearly the grantee had no intention to use the site in the foreseeable future, so the rights transferred are best described as being reversionary in nature, because of the grantor's right to maintain the existing improvements indefinitely.

At my site visit, the construction of two of the smaller residential buildings appeared to pre-date the deed, but one could have easily been post 1960. At least a portion of the buildings on parcel 15-59 was built well after 1960, although it is possible (based on the observable construction) that a portion of the "convenience store" was significantly older and may have existed prior to 1960. See images in addendum for more information.

The grantor did not reserve the right to expand any of the original structures, so it is my conclusion that there is clear physical evidence that at least a portion of the buildings constitute encroachments.



About the Valuation

Scope of Work

To do this assignment, I performed a limited exterior inspection of the subject areas shown in red in the site sketch to the right. I also reviewed the quitclaim deed transferring the subject interest to the State of New Hampshire from A. Raymond Whipple on July 19, 1960. This transfer was recorded in book 407 on page 201 of the Belknap County Registry of Deeds, and contained a statement that consideration at that time was less than $100.

I reviewed the current Uniform Appraisal Standard for Federal Land Acquisitions for insight into the valuation of interests in rights of ways, and prepared this appraisal report in compliance with USPAP Standards Rule #2-2(a) governing appraisal reports.

The abutter's land is currently held as two separate lots of record. It is clear from the parking and clearings behind the buildings that the two sites are better utilized as a single, 4.43 acre site, and if sold (as vacant land), they would have greater appeal collectively. For this reason, I have analyzed both of the abutter's sites as one vacant site, and the subject strip as a single, 18,000 square foot partial interest.

Data and Analysis

Contributory value is typically estimated for the department by comparing the market values of the abutter's vacant land, and what the abutter's vacant land would be if it were assembled to the subject property. In this instance there would be a slight increase in the site area. The most significant effect would be elimination of the encroachment issues for any buildings or portions of buildings that were added to the subject sites after passing of title. Another advantage might be a reduction or elimination of zoning non-conformance due to inadequate front setback, which could hinder a purchaser's intended redevelopment of the properties.

Comp	MLS #	Address	Ac	Price
1	4610001	00 Machado Hill Road	4.71	$48,500
2	4513009	00 Cherry Valley Road	5	$50,000
3	4664537	77A-3 Chesley Road	6.08	$50,000

The increase in site area would have no measurable effect on the development potential or value of the abutting sites due to the lack of demand in the prevailing market for RU zoned land in Alton. Based on the most similar market data that I found, even a 25% increase in land area would not cause a discernible value increase.

According to the listing of Comp #3, a survey exists that "*depicts defined wetlands along the front boundary and at internal locations too.*" This would tend to reduce the final sale price for this comparable. Having confirmed comps 1 and 2 as actual, arm's length sales, I consider their indicated values to be more reliable than the pending sale. Based on this information, non-waterfront, 4-6 acre sites in Alton's RU zone are currently selling for about $50,000, and even 18,000 square feet of size differences would not change this figure.

The 50 foot wide subject strip is a partial interest in the land, suggesting the value of the rights held by the state should be less than the market value of the abutting land. As vacant land, it is my conclusion that the contributory value of the subject interest would be zero. If the roles were reversed, department policy would consider a pro-rata allocation to be a reasonable measure of just compensation. Following this logic, the abutter's land would have a calculated pro-rata basis of $11,286.68/ac ($50,000 / 4.43 acre), or about $0.25 per square foot (rounded). Multiplying this by the 18,000 sf of the subject area calculates to a pro-rata figure of $4,500.

While it could be argued that the subject interest has no contributory value to the abutting land as if vacant, the expense to cure the encroachments would be significant, and this fact would not be lost on negotiating parties. **Based on the foregoing, therefore, I estimate the subject's contributory value to be $4,500 as of November 20, 2017.**

Appraisal Certification

I certify that to the best of my knowledge and belief:

- The statements of fact contained in this report are true and correct.
- The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions and are my personal, impartial, and unbiased professional analyses, opinions, and conclusions.
- I have not revealed the findings and results of this appraisal to anyone other than the proper officials of the Department of Transportation of the State of New Hampshire and I will not do so until so authorized by State officials, or until I am either required to do so by due process of law or until I am released of this obligation by having publicly testified as to such findings.
- I have no present or prospective interest in the property that is the subject of this report and no personal interest with respect to the parties involved.
- I have not appraised nor performed any services for the subject property in the past three years.
- I have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.
- My engagement in this assignment was not contingent upon developing or reporting predetermined results.
- My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
- My analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice.
- I have personally inspected the subject property.
- No one provided significant real property appraisal assistance to me.

Appraiser : George LeMay, NHCG#38

Addenda

General Assumptions: For this report I have also assumed:

1. all maps, plans, and photographs I used are reliable and correct;
2. the legal interpretations and decisions of others are correct and valid;
3. the parcel area given to me has been properly calculated;
4. broker and assessor information is reliable and correct;
5. the abstracts of title and other legal information available are accurate;
6. there are no encumbrances or mortgages other than those reported in the abstracts;
7. information from all sources is reliable and correct unless otherwise stated;
8. there are no hidden or unapparent conditions on the property, in the subsoil (including hazardous waste or ground water contamination), or within any of the structures which would render the property more or less valuable.
9. all personal property is excluded; and
10. all non-compensable items are excluded.

Limiting Conditions: This report is bound by the following limiting conditions:

1. Sketches and photographs in this report are included to assist the reader in visualizing the property. I have not performed a survey of the property or any of the sales, and do not assume responsibility in these matters.
2. I assume no responsibility for any hidden or unapparent conditions on the property, in the subsoil (including hazardous waste or ground water contamination), or within any of the structures, or the engineering that may be required to discover or correct them.
3. Possession of this report (or a copy) does not carry with it the right of publication. It may not be used for any purpose other than by the party to whom it is addressed without the written consent of the State of New Hampshire and in any event only with the proper written qualification and only in its entirety. Neither all nor any part of the contents (or copy) shall be conveyed to the public through advertising, public relations, news, sales, or any other media without written consent and approval of the State of New Hampshire.
4. Acceptance and / or use of this report constitutes acceptance of the foregoing underlying limiting conditions and underlying assumptions.

Recorded Deed / Legal Description

201

(X) QUITCLAIM DEED

I, A. Raymond Whipple, of Alton, Belknap County, State of New Hampshire,

for consideration paid, grant to the State of New Hampshire, with quitclaim covenants,

A certain tract or parcel of land situate in said Alton, being the fifty (50) foot strip of land bounded on the Southeasterly side by the Northwesterly side line of Route 28, so-called, and on the Northwesterly side by a line drawn parallel with and fifty (50) feet Northwesterly of the Northwesterly side line of Route 28, so-called.

It is the intent of this conveyance and another conveyance of even date herewith from the grantee herein to the grantor herein to divide equally between the grantor and grantee herein that portion of the premises conveyed by George M. Jones and Myra J. Jones, predecessors in title to the grantor herein, to the Town of Alton by deed dated September 3, 1932, and recorded in Belknap County Records Book 208, Page 397, as is presently adjacent to other land of the grantors.

Nothing herein shall prevent the grantor herein, his heirs and assigns, from access over said strip herein conveyed to said Route 28. The grantor herein further reserves the right to have buildings or parts thereof, owned by him and presently situate on said premises, remain thereon as long as said buildings remain in existence, and to have a right of way to said buildings.

The consideration for this deed is less than one hundred dollars ($100.00).

I, Edna M. Whipple wife of said Grantor, release to said Grantee all rights of dower and homestead and other interest therein.

WITNESS our hands and seals this 19th day of July, 1960.

Witness:

Richard L. Cate
for both

_____ (Seal)

_____ (Seal)

A. Raymond Whipple
Edna M. Whipple

STATE OF NEW HAMPSHIRE
BELKNAP, SS:

July 19, 1960

A. A. Raymond Whipple and Edna M. Whipple personally appeared and acknowledged the foregoing instrument to be their voluntary act and deed.

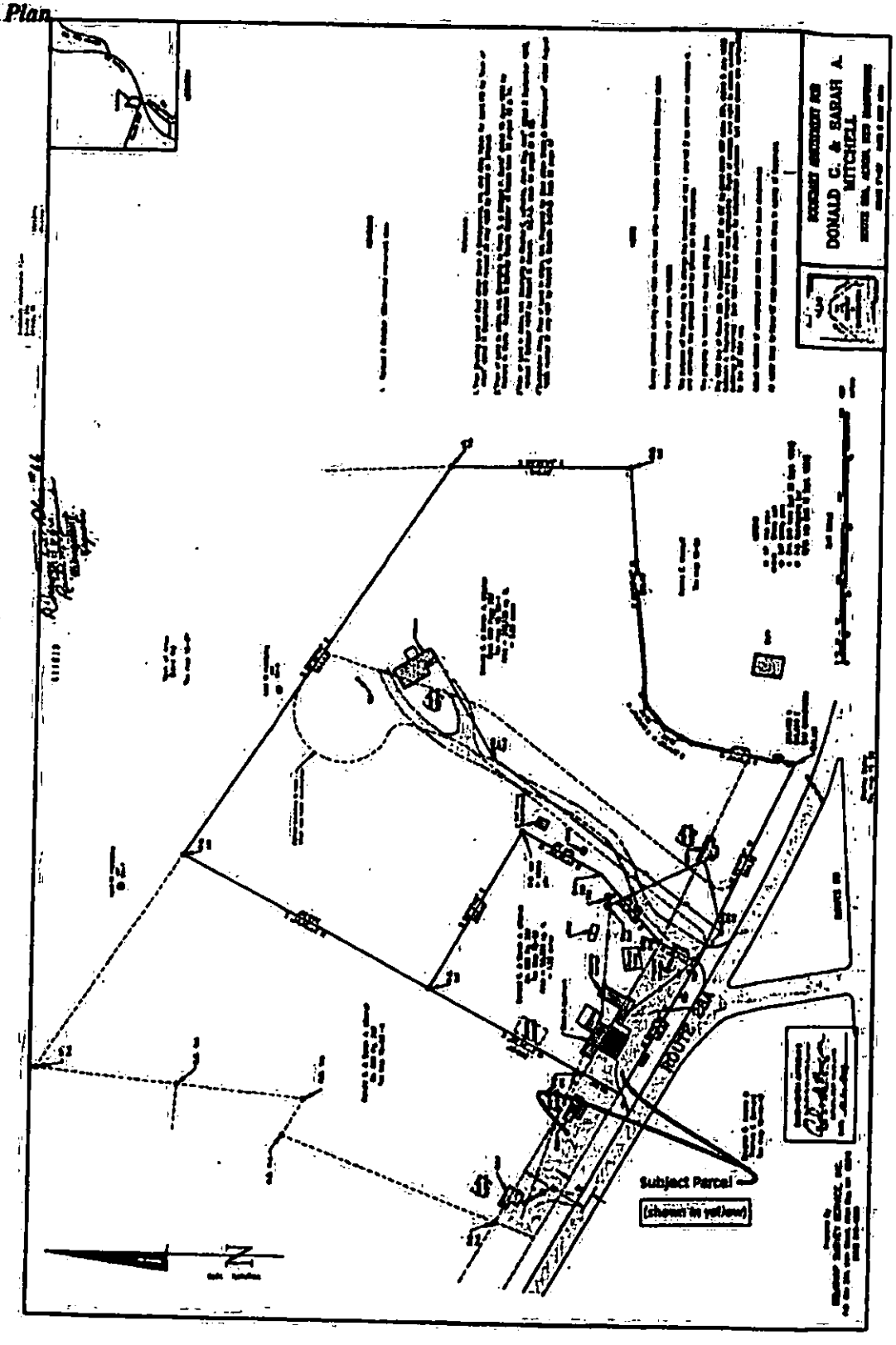
Before me,

Joseph A. O'Brien
Justice of the Peace.

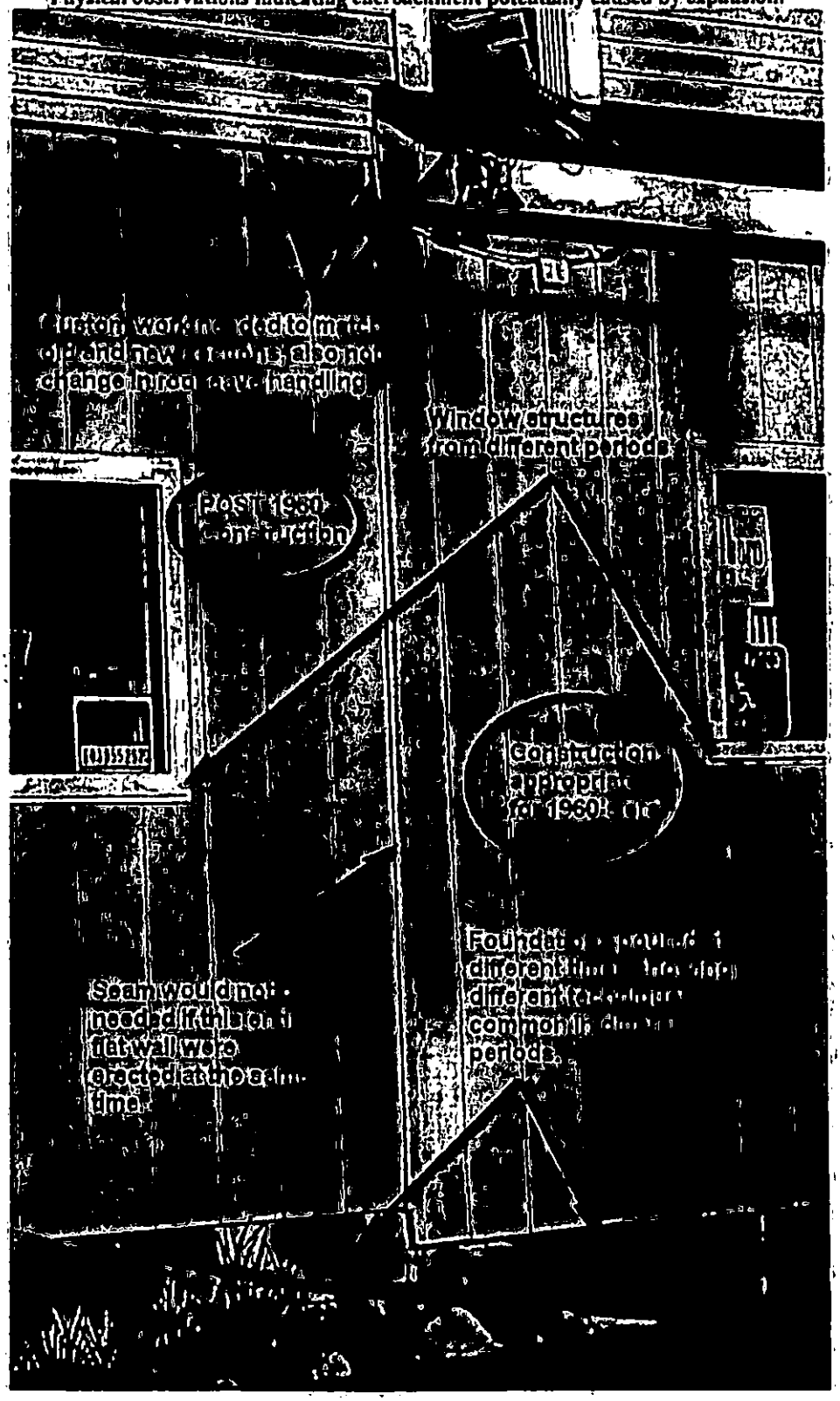
RECEIVED: August 12, 1960 10:00 AM

Recorded and examined; attest: Registrar

Recorded Plan

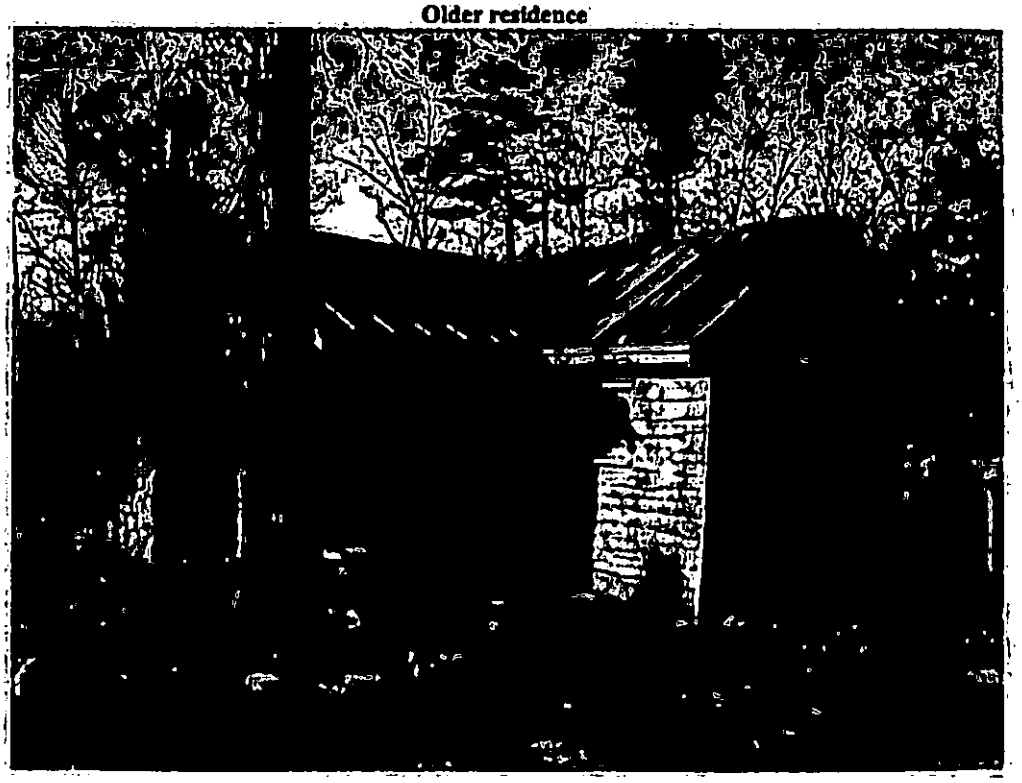


Physical observations indicating encroachment potentially caused by expansion.



View of subject areas facing West

Older residence



Town of Alton

Board of Selectmen
PO Box 659
Phone 603-875-2161

Town Administrator
1 Monument Sq.
Fax 603-651-0732

Alton NH 03809
TDD 603-875-0111

January 18, 2021

NH DOT, Lisa Weir, Property Manager
Bureau of Right-of-Way
JO Morton Building - Room 101
7 Hazen Drive, PO Box 483
Concord, NH 03302

DEPT. OF TRANSPORTATION
BUREAU OF RIGHT OF WAY
JAN 22 2021
RECEIVED

Re: Sale of Property, Map 15 Lots 59 and 59A

Dear Ms. Weir,

At the Board of Selectmen's meeting held Monday, January 11, 2021, the Board discussed the offer to purchase of property identified as Alton Tax Map 15 Lots 59 and 59A. This letter is to inform you that the Board has no interest in purchasing this property.

If you should have any questions or concerns feel free to contact our office.

Sincerely,

Elizabeth Dionne
Town Administrator

cc: Board of Selectmen
File