103 mc

APR08'21 AM11:07 RCVD

State of New Hampshire

DEPARTMENT OF ADMINISTRATIVE SERVICES
25 Capitol Street – Room 120
Concord, New Hampshire 03301

Charles M. Arlinghaus
Commissioner
(603) 271-3201

Joseph B. Bouchard
Assistant Commissioner
(603) 271-3204

Catherine A. Keane
Deputy Commissioner
(603) 271-2059

April 6, 2021

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

REQUESTED ACTION

Authorize the Department of Administrative Services (the "Department"), acting on behalf of the Department of Environmental Services ("DES") pursuant to RSA 4:40, to grant a perpetual utility easement on State land to Unitil Energy Systems, Inc. and Northern New England Telephone Operations, LLC (d/b/a Consolidated Communications - NNE), as tenants in common, for the construction, installation, operation, maintenance, and replacement of subsurface transmission and distribution lines and other supporting facilities and apparatus as needed to provide electrical and telecommunications utility service to the DES parcel located adjacent to the south side of the Interstate 89 right-of-way corridor on Silk Farm Road in Concord.

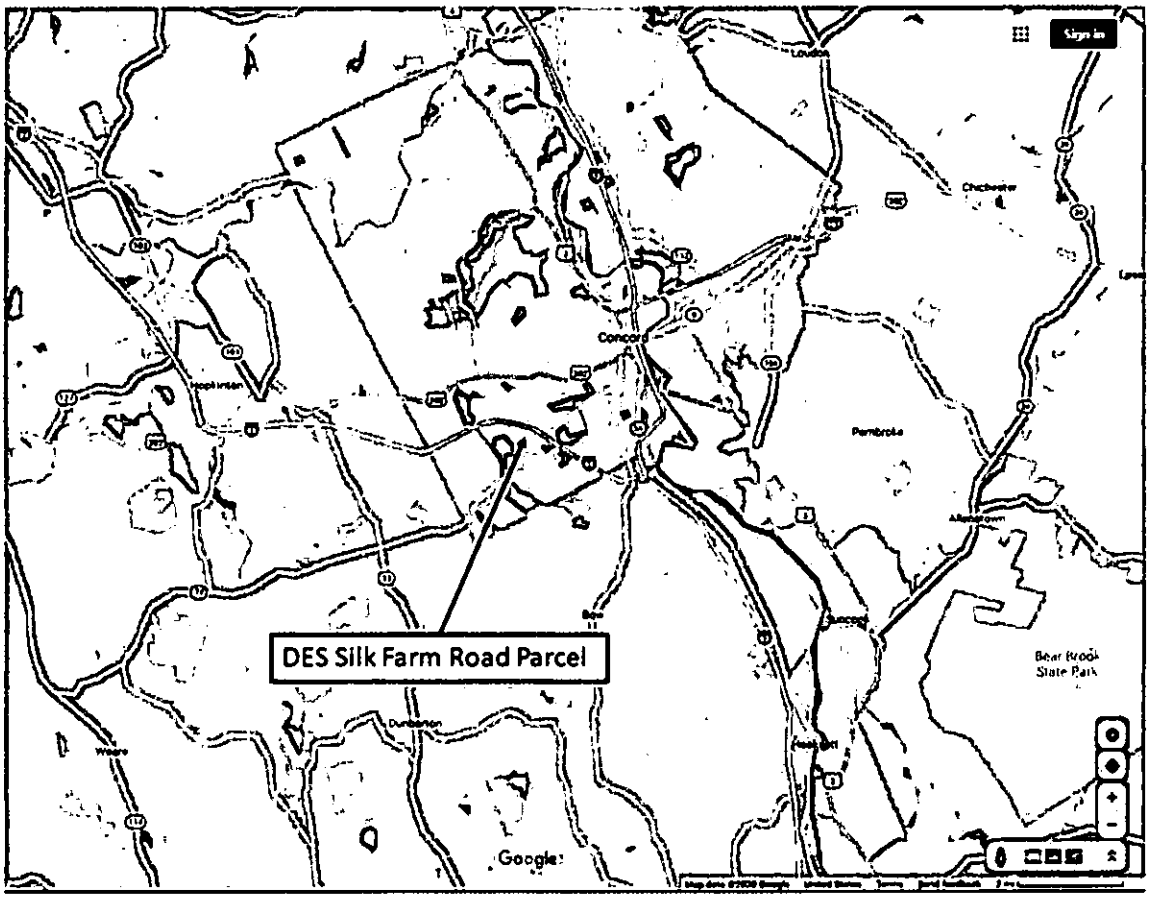
EXPLANATION

Unitil proposes to extend the existing utility pole line northerly along Silk Farm Road, to install a subsurface electrical distribution line extending westerly from Silk Farm Road across part of the DES parcel, and to install a new pad mount transformer on the parcel. These facilities are required for DES to be able to construct its planned new Dam Bureau Construction and Operations Facility on the 6.56-acre (+/-) Silk Farm Road parcel recently acquired by DES by interagency transfer from the New Hampshire Department of Transportation. The proposed easement area will be a 20-foot-wide strip of land with its center line fixed upon the proposed subsurface distribution line. The proposed easement is required to allow Unitil to begin installing the new electrical distribution facilities on site. The proposed utility easement was approved by the Long Range Capital Planning and Utilization Committee on April 2, 2021.

The proposed utility easement shall be granted to Unitil and Consolidated Communications free of charge in exchange for making available to the State electrical and telecommunications utility service to the DES parcel on Silk Farm Road. The effectiveness of the proposed easement shall commence upon its execution by the Commissioner of the Department of Administrative Services, following authorization by the Governor and Executive Council, and shall continue in perpetuity.

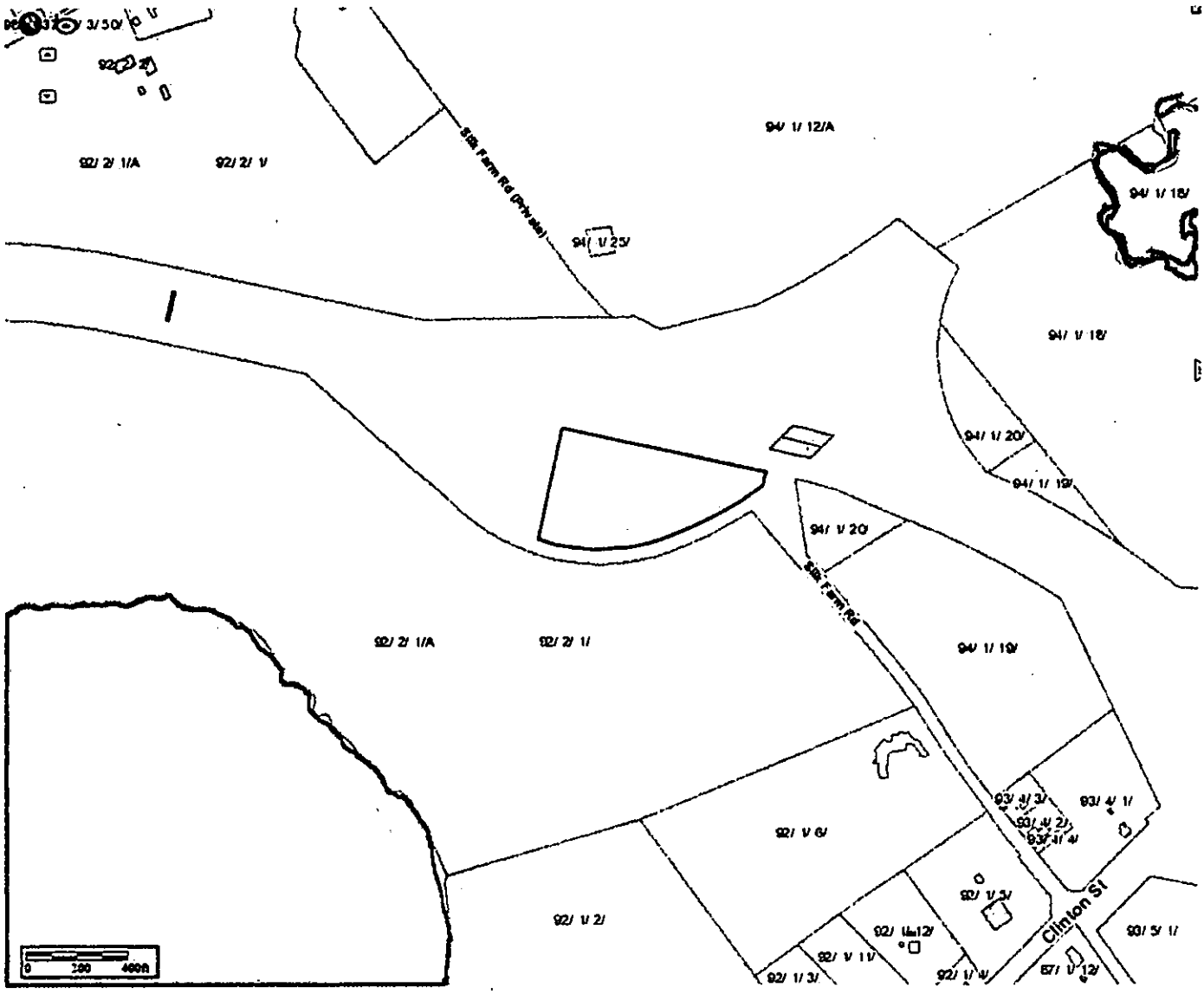
Respectfully submitted,

Charles M. Arlinghaus
Commissioner



General Location of DES Silk Farm Road Parcel
Silk Farm Road, Concord, NH

Google Maps

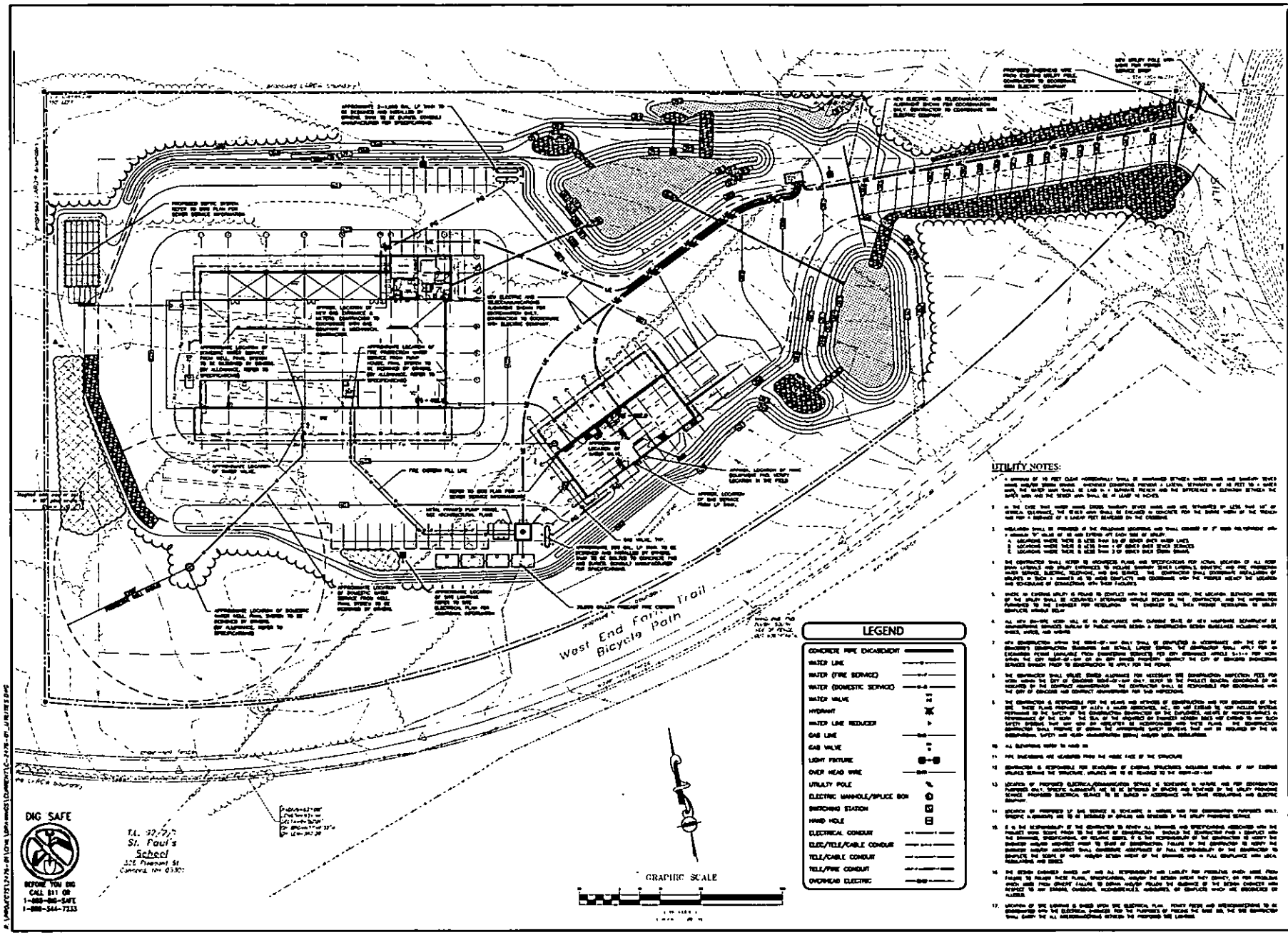


DES Silk Farm Road Parcel
Silk Farm Road, Concord, NH

Tax Map Detail
(Proposed easement area located within highlighted parcel with no tax map/lot number)

DES Silk Farm Road Parcel
Silk Farm Road, Concord, NH

Aerial View
(Proposed easement area located within highlighted parcel with no tax map/lot number)



UTILITY NOTES:

1. [illegible]
2. [illegible]
3. [illegible]
4. [illegible]
5. [illegible]
6. [illegible]
7. [illegible]
8. [illegible]
9. [illegible]
10. [illegible]
11. [illegible]
12. [illegible]
13. [illegible]
14. [illegible]
15. [illegible]
16. [illegible]
17. [illegible]

KOAL PLLC

ALLEN & MAJOR ASSOCIATES, INC.

CONSTRUCTION & OPERATIONS FACILITY

N.H. Dept. of Environmental Services Water Division / Dam Bureau

No.	Description	Date
1	[illegible]	[illegible]
2	[illegible]	[illegible]
3	[illegible]	[illegible]
4	[illegible]	[illegible]
5	[illegible]	[illegible]
6	[illegible]	[illegible]
7	[illegible]	[illegible]

Issue Date: 02/06/2020

Project number: [illegible]

Drawn by: MAM/AJKM

Checked by: MAM

Copyright: KOAL PLLC 2020

Drawing title: UTILITIES PLAN

Sheet No: C-104

Eintake # 41078
Unitil Energy Systems, Inc.
1 McGuire Street
Concord, NH 03301

EASEMENT DEED

The **STATE OF NEW HAMPSHIRE**, acting by and through its Department of Administrative Services pursuant to RSA 4:40, as authorized by the Governor and Executive Council on _____, 2021 (Meeting Agenda Item # _____), with a mailing address of Department of Administrative Services, Office of the Commissioner, 25 Capitol Street, Concord, New Hampshire 03301 (herein called "Grantor," which word and the pronouns referring thereto shall mean the singular or plural of any gender, as the context may require) for consideration paid, grants to **Unitil Energy Systems, Inc.**, a New Hampshire corporation with its principal place of business at 6 Liberty Lane West, Hampton, New Hampshire 03842-1720, and **Northern New England Telephone Operations LLC** (d/b/a Consolidated Communications – NNE) a limited liability company organized under the laws of Delaware having a place of business at 100 Gay Street, Manchester, New Hampshire 03103 and their respective successors and assigns and permittees forever, as tenants in common (collectively referenced herein as the "Grantees"), with quitclaim covenants, the perpetual right and easement to build, replace, patrol, maintain, and operate a subsurface line, wires, facilities and other appurtenances for the transmission of intelligence by electricity and for the transmission and distribution of electricity (herein referred to inclusively as "said line") including the necessary guys over, beneath, and across Grantor's land situated off **Silk Farm Rd** in Concord New Hampshire on a strip **20** feet in width, the center line thereof to be fixed upon the line as follows:

To Cover Installation of Underground Primary Cable through Pullbox(es) to a Pad Mount Transformer off Main Line Riser Pole 543/26 located on Silk Farm Rd, Concord.

Meaning and intending to describe and convey an easement over a parcel of land shown as "Management Area to be Transferred to NHDES" on that certain plan entitled "Right-of-Way Boundary Adjustment Plan for the Proposed NHDES Dam Bureau Facility located in Concord, New Hampshire" dated July 25, 2019, prepared by HEB Engineers, Inc., and recorded as Plan No. 202000004181 in the Merrimack County Registry of Deeds (the "Plan"), said parcel being more particularly described in that certain Interagency Transfer of Management Responsibility from the New Hampshire Department of Transportation to the New Hampshire Department of Environmental Services dated February 12, 2020, recorded in the Merrimack County Registry of Deeds at Book 3667, Page 2266, and being a portion of the land acquired from St. Paul's School by the State of New Hampshire as was included in the highway layout described in the Commissioners' Return of Section One, Interstate Route 3, Bow-Concord-Hopkinton 1957 dated May 9, 1957, recorded in the Merrimack County Registry of Deeds at Book 808, Page 158 on May 13, 1957.

DRAFT

There is also hereby conveyed the right to enter all abutting lands of Grantor in the exercise of the rights herein granted and to exercise all rights reserved to Grantor in adjacent land; and the right to trim and remove from Grantor's land such trees and other growth as in the judgment of Grantees may interfere with or endanger said line or the operation or maintenance thereof by such means as the Grantee may elect, all wood and timber to remain the property of the Grantor. Facilities built by any utilities pursuant to the easement hereby granted shall be and remain the property of the utilities.

The Grantor covenants and agrees that if any wires or associated equipment installed in pursuance of this conveyance are required to be removed in connection with activity driven by the Grantor, the Grantor will reimburse the Grantees for all of its costs incurred in connection therewith. The Grantees shall have the right to install and maintain said distribution facilities upon the Grantor's premises without charge for the purpose of furnishing service to the Grantor and also for the purpose of serving Customer(s) on adjacent lands. Notwithstanding the foregoing, in the event that any of the said wires or associated equipment installed pursuant to this Easement shall lie in or upon land, the fee interest in which shall be subsequently dedicated to and accepted by a municipality as a public way, the Grantee acknowledges and agrees that said municipality only, as successor and assign of the Grantor, shall not be bound by the foregoing covenant of the Grantor to reimburse the Grantee for costs incurred in connection with such removal. Grantor, for itself and each of its successors and assigns, hereby acknowledges and agrees that under such circumstances, the Easement shall not be released, extinguished or terminated, and shall otherwise remain in full force and effect.

The Grantor for itself, its heirs, executors, administrators and assigns, hereby covenants that it will not erect or permit any building or other structure, or alter the terrain, upon said strip that in the judgment of Grantee may interfere with or endanger said line or the operation thereof.

The rights granted herein are conveyed subject to any rights, liens, restrictions, and encumbrances of record.

Pursuant to Rev. 802.03(a), the Grantees shall be liable for payment of any real estate transfer tax imposed by RSA Chapter 78-B.

DRAFT

WITNESS the hand and seal of the Grantor this _____ day of _____, 2021.

GRANTOR:
STATE OF NEW HAMPSHIRE
By and through its
DEPARTMENT OF ADMINISTRATIVE SERVICES

WITNESS: _____

By: _____
Charles M. Arlinghaus, Commissioner
Duly Authorized

STATE OF NEW HAMPSHIRE
COUNTY OF _____

On this _____ day of _____, 2021, personally appeared the above-named Charles M. Arlinghaus, known to me (satisfactorily proven) to be the person whose name is subscribed to the foregoing instrument, and acknowledged that he is the duly authorized Commissioner of the New Hampshire Department of Administrative Services and that he executed the foregoing instrument for the purposes therein contained.

_____
Notary Public / Justice of the Peace
My Commission Expires: _____
(SEAL)

DRAFT

LRCP 21-003

State of New Hampshire

DEPARTMENT OF ADMINISTRATIVE SERVICES
25 Capitol Street - Room 120
Concord, New Hampshire 03301

Charles M. Arlinghaus
Commissioner
(603) 271-3201

Approved by the Long Range Capital Planning and Utilization Committee 04/02/2021

Joseph B. Bouchard
Assistant Commissioner
(603) 271-3204

Catherine A. Keane
Deputy Commissioner
(603) 271-2059

January 29, 2021

The Honorable Chair
Long Range Capital Planning and Utilization Committee
L.O.B. – Room 201
Concord, New Hampshire 03301

REQUESTED ACTION

Pursuant to RSA 4:40, the Department of Administrative Services (the "Department"), acting on behalf of the Department of Environmental Services, requests approval to grant free of charge a perpetual utility easement on State land to Unitil Energy Systems, Inc. and Consolidated Communications of Northern New England Company, LLC (d/b/a Consolidated Communications – NNE), as tenants in common, for the construction, installation, operation, maintenance, and replacement of subsurface transmission and distribution lines and other supporting facilities and apparatus, including, without limitation, a new pad mount transformer, as needed to provide electrical and telecommunications utility service to the DES parcel located adjacent to the south side of the Interstate 89 right-of-way corridor on Silk Farm Road in Concord. The Department further requests a waiver of the administrative fee required by RSA 4:40, III-a.

EXPLANATION

Unitil proposes to extend the existing utility pole line northerly along Silk Farm Road, to install a subsurface electrical distribution line extending westerly from Silk Farm Road across part of the DES parcel, and to install a new pad mount transformer on the parcel. These facilities are required for DES to be able to construct its planned new Dam Bureau Construction and Operations Facility on the 6.56-acre (+/-) Silk Farm Road parcel recently acquired by DES by interagency transfer from the New Hampshire Department of Transportation. The proposed easement area will be a 20-foot-wide strip of land with its center line fixed upon the proposed subsurface distribution line. The proposed easement is required to allow Unitil to begin installing the new electrical distribution facilities on site.

The proposed utility easement shall be granted to Unitil and Consolidated Communications free of charge in exchange for making available to the State electrical and telecommunications utility service to the DES parcel on Silk Farm Road. The effectiveness of the proposed easement shall commence upon its execution by the