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STATE OF NEW HAMPSHIRE  
DEPARTMENT OF MILITARY AFFAIRS AND VETERANS SERVICES

BUSINESS ADMINISTRATION  
STATE MILITARY RESERVATION  
4 PEMBROKE ROAD  
CONCORD, NEW HAMPSHIRE 03301-5652

David J. Mikolaities, Major General  
The Adjutant General

Phone: 603-225-1360  
Fax: 603-225-1341  
TDD Access: 1-800-735-2964

Warren M. Perry  
Deputy Adjutant General

July 20, 2021

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

**REQUESTED ACTION**

The Department of Military Affairs and Veterans Services respectfully requests authorization to transfer the State's interest in the real property and buildings known as the Somersworth Armory, located in the City of Somersworth, as described in the attached Quitclaim Deed, to the City of Somersworth.

**EXPLANATION**

Changing demographics and force structure of the New Hampshire Army National Guard over the past two decades have required the Guard to consolidate its aging and outdated facilities. It has been determined that the New Hampshire Army National Guard no longer has a need for the Somersworth Armory located on Blackwater Road in Somersworth, New Hampshire.

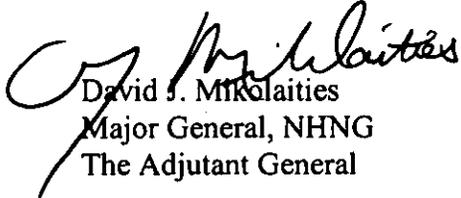
Pursuant to the terms of the original deed that granted the property from the City of Somersworth to the State, if the property is no longer used for military purposes, the conveyance becomes void and title reverts to the City of Somersworth. This reverter clause in the deed means that the property was given to the State under a "provision of trust." Pursuant to RSA 4:40, IV, the processes for disposal of real estate established by RSA 4:40 do not apply to such properties.

Due to the provision of trust in the deed, transferring this property to the City of Somersworth will require the Department to bring a *cy pres* and quiet title action in Probate or Superior Court. This transfer will be contingent upon the successful resolution of that action. When the action is resolved, the Department will execute a quitclaim deed to the City of Somersworth in the form of the attached draft deed to finalize the transfer.

His Excellency, Governor Christopher T. Sununu  
And the Honorable Executive Council  
July 20, 2021  
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If this disposal by transfer to the City of Somersworth is approved, the Adjutant General will be authorized to proceed with the aforementioned court action and execute a quitclaim deed substantially in the form of the attached draft. It is possible that some minor changes not affecting the core substance of the deed will need to be made to the draft prior to execution.

Respectfully Submitted,



David J. MIKOLAITIES  
Major General, NHNG  
The Adjutant General

**Return To:**

**Name**

**Address**

**State, Zip**

**This transfer involves the State of New Hampshire and is exempt from the payment of real estate transfer tax pursuant to NH RSA 78-B:2, I.**

**QUITCLAIM DEED**

**KNOW ALL MEN BY THESE PERSENTS**, that the **STATE OF NEW HAMPSHIRE**, with an address of State House, 107 North Main Street, Concord, NH 03301, by the **Adjutant General**, pursuant to the vote of Governor and council, for and in consideration of \$1.00 and other valuable consideration paid by the City of Somersworth, State of New Hampshire, the receipt of which is hereby acknowledged, grants to the **CITY OF SOMERSWORTH**, a New Hampshire municipal corporation, with an address of One Government Way, Somersworth, New Hampshire, 03878, with **QUITCLAIM COVENANTS**, the following described premises:

A certain tract of land, and all improvements attached thereto, situate in said City of Somersworth, New Hampshire, on the Northerly side of Blackwater Road, so-called, being the identical tract of land conveyed in a deed from the City of Somersworth to the State of New Hampshire, dated 19 June, 1950, and recorded at Book 582, Page 45 of the Strafford County registry of Deeds, comprising of 9 acres, more or less, bounded and described as follows:

Beginning at an iron pipe driven in the ground at the intersection of the Northerly line of Blackwater Road and the Southwesterly line of Indigo Hill Road, or Cemetery Road, so-called, thence running N 78° W by the Northerly line of said Blackwater Road nine hundred forty-seven (947) feet, more or less, to an iron pipe in the ground on the Westerly line of an unimproved road, and at the land of the Public Service Company of New Hampshire; thence N 35° E by said road and land of Public Service Company eighty and eight-tenths (80.8) feet, more or less, to an iron pipe in the ground at the Northeasterly corner of land of said Public Service Company; thence N 78° W by land of said Public Service Company two hundred thirty-three (233) feet, more or less, to an iron pipe driven in the ground at other land of said grantor, and continuing on the same course by land of said grantor seventeen (17) feet, more or less, to an iron pipe driven in the ground; thence N 35° 30' E by other land of said grantor nine hundred five (905) feet, more or less, to an iron pipe driven in the ground on the Westerly line of Indigo Hill Road, so-called, thence by the Westerly line of said Indigo Hill Road the following four courses and distances to iron pipes driven in the ground, - S 17° 32' E 22252.5 feet, more or less, S 26° 44' E 327.2 feet, more or less, S 33° 19' E 171.3 feet, more or less, S 39° 50' E 443.7 feet, more or less, to the point of beginning. Said tract herein bounded containing nine acres more or less. Reference is hereby made to Plan of "State Military Reservation, Somersworth, NH" dated April, 1950 and made by H.V. Sheehan, C.E. Somersworth, N.H., for more perfect description.

Meaning and intending to describe and convey the same premises conveyed to the State of New Hampshire by deed of the City of Somersworth dated June 19, 1950 and recorded at the Strafford County

Registry of Deeds at Book 582, Page 45 (hereinafter, the "Property") with exception for the portion of the original property already returned to the City by deed dated October 2, 1975 and recorded at Book 975, Page 003.

The above-referenced deed included the following language: "It is expressly understood and agreed that in the event the grantee shall use or suffer the use of said premises for any other purpose than as and for military purposes, this conveyance shall thereupon become void and the title to said premises on demand shall revert to the grantor, its successors and assigns, and shall have the right to re-enter and repossess itself of the same." It is the intent of the grantor to cease military use of the Property herein described and to revert the Property to Grantee. Because the above-referenced deed created a provision of trust, the parties effected a conveyance of the Property through a quiet title and *cy pres* action in COURT, DOCKET NUMBER. A copy of the court's order in that proceeding, dated DATE, is recorded herewith. To the extent grantor retains any interest in the Property, it is the intent of the parties that said interest be conveyed by this quitclaim deed.

The grant of authority to transfer this property from the State of New Hampshire to the City of Somersworth was approved at the meeting of the Governor and Executive Council, held in the State House, Concord, New Hampshire on DATE OF MEETING, as Agenda Item ITEM #. See certified copy of the minutes of that meeting, recorded herewith.

**TO HAVE AND TO HOLD** the property with all privileges and appurtenances thereto belonging to the City of Somersworth, State of New Hampshire and its successors forever. Grantee and its successors covenant and agree to and with the Grantor as follows:

The transfer is subject to existing easements.

IN WITNESS WHEREOF Major General David J. Mikolaities, Adjutant General of the State of New Hampshire, being duly authorized, has set the name and seal of the State of New Hampshire this \_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Witness

STATE OF NEW HAMPSHIRE

By \_\_\_\_\_

Major General David J. Mikolaities  
Adjutant General

STATE OF NEW HAMPSHIRE  
COUNTY, SS

On this \_\_\_\_\_ day of \_\_\_\_\_, 2021 personally appeared before me Major General David J. Mikolaities, known to me to be the persons described in the foregoing instrument, and acknowledged that he is duly authorized to execute this Deed.

In witness whereof I hereunto set my hand.

\_\_\_\_\_  
Notary Public/Justice of the Peace  
My Commission Expires: \_\_\_\_\_

Approved as to form, substance and execution:

**STATE OF NEW HAMPSHIRE  
OFFICE OF THE ATTORNEY GENERAL**

Dated \_\_\_\_\_

\_\_\_\_\_  
Name  
Title



STATE OF NEW HAMPSHIRE  
DEPARTMENT OF MILITARY AFFAIRS AND VETERANS SERVICES

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January 7, 2021

Robert Belmore  
City of Somersworth  
One Government Way  
Somersworth NH, 03878

Dear Mr. Belmore,

The Department of Military Affairs and Veterans Services has determined the New Hampshire Army National Guard (NHARNG) no longer has a need for the Somersworth Readiness Center located at 15 Blackwater Road in Somersworth. The NHARNG plans to relocate the unit currently stationed at the Somersworth Readiness Center no later than June 30, 2021.

On June 19, 1950, the City of Somersworth conveyed this property by Warranty Deed to the NHARNG on the condition the property be used by the National Guard exclusively for military purposes. Once this condition ceases, the deed states the conveyance then becomes void and the property title reverts back to the grantor.

At this time, the Department plans to begin the process of returning the property back to the City.

Please feel free to reach out to either Erin Zayac at 225-1361 or Warren Perry at 225-1302 with any questions or concerns.

Sincerely,

A handwritten signature in cursive script that reads "David J. Mikolaities".

David J. Mikolaities  
Major General, NH National Guard  
The Adjutant General

*Cal*

(HOMESTEAD)

WARRANTY DEED

City of Somersworth

TO

State of New Hampshire

STAFFORD COUNTY Records  
8:30 A.M.

Received June 19 19 50

Recorded Book 582, Page 45

Examined *by*  
*Anna M. Rosen* Register

Somersworth Free Press, Inc., Printers

*8:30 A.M. June 19, 1950*

## Know All Men By These Presents

THAT the City of Somersworth, a municipal corporation duly authorized by laws of the State of New Hampshire for and in consideration of the sum of One Dollar and other valuable considerations

to it in hand before the delivery hereof, well and truly paid by the State of  
New Hampshire

the receipt whereof it ~~has~~<sup>does</sup> hereby acknowledge, have given, granted, bargained, sold, and by these presents do give, grant, bargain, sell, alien, enfeoff, convey and confirm unto the said State of New Hampshire, its successors and ~~heirs~~ assigns forever.

a certain tract or parcel of land situated in said City of Somersworth, New Hampshire, on the Northerly side of Blackwater Road, so-called, and bounded and described as follows:

Beginning at an iron pipe driven in the ground at the intersection of the Northerly line of Blackwater Road and the Southwesterly line of Indigo Hill Road, or Cemetery Road, so-called, thence running N 78° W by the Northerly line of said Blackwater Road nine hundred forty-seven (947) feet, more or less, to an iron pipe in the ground on the Westerly line of an unimproved road, and at land of the Public Service Company of New Hampshire; thence N 35° E by said road and land of Public Service Company eighty and eight-tenths (80.8) feet, more or less, to an iron pipe in the ground at the Northeasterly corner of land of said Public Service Company; thence N 78° W by land of said Public Service Company two hundred thirty-three (233) feet, more or less, to an iron pipe driven in the ground at other land of said grantor, and continuing on the same course by land of said grantor seventeen (17) feet, more or less, to an iron pipe driven in the ground; thence N 35° 30' E by other land of said grantor nine hundred five

(905) feet, more or less, to an iron pipe driven in the ground on the Westerly line of Indigo Hill Road, so-called; thence by the Westerly line of said Indigo Hill Road the following four courses and distances to iron pipes driven in the ground, - S 17° 32' E 252.5 feet, more or less, S 26° 44' E 327.2 feet, more or less, S 33° 19' E 171.3 feet, more or less, S 39° 50' E 443.7 feet, more or less, to the point of beginning. Said tract herein bounded containing nine acres more or less. Reference is hereby made to Plan of "State Military Reservation, Somersworth, N.H." dated April, 1950 and made by H.V. Sheahan, C.E., Somersworth, N.H., for more perfect description.

It is expressly understood and agreed that in the event the grantee shall use or suffer the use of said premises for any other purpose than as and for military purposes, this conveyance shall thereupon become void and the title to said premises on demand shall revert to the grantor, its successors and assigns, and shall have the right to re-enter and repossess itself of the same.

Meaning and intending to include herein the premises conveyed to the City of Somersworth by deed of Mary A. Coyle dated May 17, 1950, said deed to be recorded forthwith in Strafford County Records.

To HAVE AND TO HOLD the said granted premises, with all the privileges and appurtenances to the same belonging, to ~~it~~ the said grantee and successors ~~and assigns,~~ to

~~it~~ and their only proper use and benefit forever.

And ~~it,~~ the said grantor and its ~~successors and assigns~~ ~~do~~ hereby covenant, grant and agree, to and with the said grantee and its ~~successors~~ ~~and~~ assigns, that until the delivery hereof ~~it is~~ the lawful owner of the said premises, and

~~is~~ seized and possessed thereof in ~~its~~ own right in fee simple; and have full power and lawful authority to grant and convey the same in manner aforesaid; that the premises are free and clear from all and every incumbrance whatsoever, ~~except~~

and that ~~it~~ and its ~~successors~~ ~~and assigns~~, shall and will WARRANT and DEFEND the same to the said grantee and its ~~successors and assigns~~ against the lawful claims and demands of any person or persons whomsoever.

~~And I,~~ ~~wife of the said~~

~~in consideration aforesaid, do hereby relinquish~~  
my right of dower ~~in the before mentioned premises.~~

~~And we and each of us do hereby release, discharge and waive all such rights of exemption from attachment and levy or sale on execution, and such other rights whatsoever in said premises, and in each and every part thereof, as our Family Homestead, as are reserved, or secured to us, or either of us, by Chapter 209, Revised Laws of the State of New Hampshire, or by any other statute or statutes of said State.~~

IN WITNESS WHEREOF, the City of Somersworth has caused its name and seal to be hereto affixed ~~at Somersworth, New Hampshire, on~~ this twenty-second day of May A. D., 19 50

Signed, sealed and delivered in the presence of: *Romeo St. Laurent*, Mayor  
*Les Slater*

STATE OF NEW HAMPSHIRE COUNTY OF Strafford  
On this 22nd day of May 19 50, before me,  
the undersigned officer, personally appeared Romeo St. Laurent,  
known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instru-  
ment and acknowledged that he executed the same ~~as the voluntary act~~ as the voluntary act  
In witness whereof, I hereunto set my hand and official seal, and deed of said City of Somersworth.

*Les Slater*  
Justice of the Peace. Notary Public