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**THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION**



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*William Cass, P.E.
Commissioner*

*David Rodrigue, P.E.
Assistant Commissioner
Andre Briere, Colonel, USAF (RET)
Deputy Commissioner*

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

Bureau of Right-of-Way
June 16, 2023

REQUESTED ACTION

Under RSA 4:39-c and 228:31, authorize the New Hampshire Department of Transportation (Department) to grant a sewer easement over state-owned land on the southerly side of Harris Pond Road in the Town of Merrimack. The easement will be granted directly to the Lansing Melbourne Group (Grantee) for \$6,100, including the \$1,100 administrative fee, effective upon Governor and Executive Council Approval.

The Department's Bureau of Finance and Contracts has determined that the parcel, over which this easement will be, was acquired with 100% Turnpike Funds.

Funding is to be credited as follows:

04-096-096-960015-0000-UUU-402156	<u>FY 2024</u>
Administrative Fee	\$1,100
04-096-096-960017-0000-UUU-409278	<u>FY 2024</u>
Sale of Parcel	\$5,000
(100% of \$5,000.00)	

EXPLANATION

The Grantee is requesting this sewer easement to connect an existing sewer line located on Map 1E Lot 3 to a proposed building located on Map 1D Lot 1-6, as depicted on the attached plans. The sewer easement will be approximately 150' long, by 20' wide, and will be for the installation of an 8" gravity sewer line.

The granting of this easement has been reviewed by the Department and the area over which the easement is proposed was determined to be surplus to the Department's operational needs. The sale will include the following conditions:

- The Grantee shall be responsible to commission a Land Surveyor licensed in New Hampshire, to survey and prepare a plan depicting the easement location and limits of the right-of-way, meeting the NH Code of Administrative Rules 503.09, to be submitted to the Department for review and approval. Upon the Department's approval, the Grantee must record the plan under RSA 478:1-a, in the Hillsborough County Registry of Deeds, from which the Department will prepare the conveyance deed. The Grantee will also supply a draft description of the easement.

- The Grantee shall be responsible to obtain all local and state land use approvals precedent to closing.

At the May 26, 2023 meeting of the Long-Range Capital Planning and Utilization Committee, the request (LRCP 23-015) was approved, allowing the Department to grant the easement over state-owned land to the Lansing Melbourne Group for the market value of \$5,000, and to assess the \$1,100 administrative fee.

The Department is respectfully requesting authorization for the sale of this easement, as noted above.

Respectfully,



William J. Cass
Commissioner

WJC/SJN
Attachments



May 1, 2023

Sandra J. Newman, Property Agent
Bureau of Right-of-Way
NH Department of Transportation
Po Box 483
Concord, NH 03302-048

Re: LETTER OF ACCEPTANCE

4 Harris Pond Dr, Merrimack, NH 03054- Sewer Easement Appraisal

Dear Mrs. Newman,

This letter is to notify the New Hampshire Department of Transportation that Lansing Melbourne Group, on behalf of its subsidiary LMG Merrimack LLC accepts and approves the opinion of value at \$5,000.00 per the Surplus Property Appraisal Report dated April 24, 2023. Further, we accept the conditions you outlined in your email of May 1, 2023 as follows:

- As a condition of this sale, the grantee shall be responsible to commission a Licensed Land Surveyor in New Hampshire, to survey and prepare a plan depicting the easement location and limits of the right-of-way, meeting the NH Code of Administrative Rules 503.09, to be submitted to the Department for review and approval. Upon approval by the Department, the Grantee is required to record the plan under RSA 478:1-a, in the Hillsborough County Registry of Deeds, from which the Department will prepare the conveyance deed. The Grantee will supply a full-size copy of the recorded plan and a draft description of the surveyed easement.
- The Grantee shall be responsible to obtain all local and state land use approvals precedent to closing.

We appreciate your work on this matter and look forward to next steps.

Sincerely,

Peter Flotz
Lansing Melbourne Group

The signature is a cursive script in black ink, appearing to read 'Peter Flotz'. Below the signature is a horizontal line, followed by the printed name 'Peter Flotz' and the company name 'Lansing Melbourne Group'.

**STATE OF NEW HAMPSHIRE
INTER-DEPARTMENT COMMUNICATION**

LRCP 23-015

FROM: Stephen G. LaBonte
Administrator 

DATE: May 4, 2023

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

SUBJECT: Easement over State-Owned Land in Merrimack
RSA 4:39-c

**Approved by the Long Range
Capital Planning & Utilization
Committee May 26, 2023**

TO: Representative Mark McConkey, Chairman
Long Range Capital Planning and Utilization Committee

REQUESTED ACTION

The New Hampshire Department of Transportation (Department), pursuant to RSA 4:39-c, requests authorization to sell an easement over state-owned land on the southerly side of Harris Pond Road in the Town of Merrimack. The sale will be direct to Lansing Melbourne Group (Grantee) for \$6,100, which includes an administrative fee of \$1,100. The sale will be subject to conditions as specified in this request.

EXPLANATION

The Grantee is requesting a sewer easement as a means of connecting an existing sewer line located on the parcel identified as Map 1E, Lot 3, to a proposed building located on parcel identified as Map 1D, Lot 1-6, as depicted on the attached plans. The sewer easement will be approximately 150' long, by 20' wide, and will be for the installation of an 8" gravity sewer line.

The parcel impacted by this easement was acquired in 1988 for the Nashua-Hudson 10644 Circumferential Highway Project. The Department acquired 19.16 +/- acres of land from Harris Pond Development Corporation (HPDC) by eminent domain. The Department and HPDC subsequently settled out-of-court in the amount of \$7,613,300. After a departmental review, it was determined that granting the easement would not interfere the Department's operations. This easement will be conveyed with the following conditions:

- The Grantee will be required to commission a Land Surveyor licensed in New Hampshire, to survey and prepare a plan depicting the easement location and limits of the right-of-way, meeting the NH Code of Administrative Rules 503.09, to be submitted to the Department for review and approval. Upon approval by the Department, the Grantee is required to record the plan under RSA 478:1-a, in the Hillsborough County Registry of Deeds, from which the Department will prepare the conveyance deed. The Grantee will supply a full-size copy of the recorded plan and draft a description of the surveyed easement.
- The Grantee shall be responsible to obtain all local and state land use approvals precedent to closing.

A Right-of-Way Appraiser from the Department evaluated the requested easement. They then prepared a contributory value appraisal using the sales comparison approach that adheres to the requirements of the Right of Way Manual. The easement's contributory opinion of value as of April 25, 2023, was concluded to be \$5,000.

The Department respectfully requests authorization to sell the subject parcel as outlined within this request.

SGL/SJN/jl
Attachments

DATE	DESCRIPTION

LANSING MELBOURNE GROUP
 1000 WEST 10TH AVENUE, SUITE 100
 DENVER, CO 80202
 (303) 733-8888

DANIEL WEBSTER HIGHWAY
 NEW HAMPSHIRE
 PROJECT: PRIVATE SEWER EASEMENT
 DRAWN BY: [Name]
 DATE: [Date]

HSI
 1000 WEST 10TH AVENUE, SUITE 100
 DENVER, CO 80202
 (303) 733-8888

