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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
July 26, 2023

REQUESTED ACTION

Under NH RSA 12-G:8, V, authorize the Pease Development Authority Division of Ports and Harbors (PDA-DPH) and New Hampshire Department of Transportation (DOT) to enter into an Interagency Transfer of Management Responsibility Agreement (Agreement) for a parcel of land on the westerly side of Ocean Boulevard (Route 1A), associated with the Seabrook-Hampton project# 15904. The 2,707 ± square foot parcel is integral to the new alignment of the project and is identified as Exhibit A in the proposed Agreement. The Agreement is subject to approval by the PDA Board of Directors and will be effective upon the Governor and Executive Council's approval.

EXPLANATION

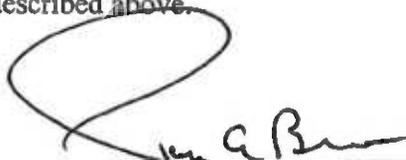
This Interagency Transfer of Management Responsibility aims to transfer management responsibility from PDA-DPH solely to the DOT for the construction and future maintenance of the Seabrook-Hampton project #15904.

PDA-DPH and DOT are both agencies of the State of New Hampshire, and the state holds title to the subject property and will continue to do so. This Agreement should not be construed as a sale, grant, or disposal of real property or any other transfer of title or interest in the subject property. This Interagency Transfer of Management Responsibility for Real Property shall be recorded in the Rockingham County Registry of Deeds.

Authorization is respectfully requested for the approval of this Agreement between the agencies to transfer management responsibility for the parcel as described above.



William J. Cass, P.E., Commissioner
Department of Transportation



Paul Brean, Executive Director
Pease Development Authority

**STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION**

AGREEMENT FOR ENTRY AND CONSTRUCTION

THIS AGREEMENT entered into this day between the Pease Development Authority Division of Ports and Harbors (PDA-DPH), an agency of the State of New Hampshire established pursuant to New Hampshire RSA chapter 12-G, with a business address of 55 International Drive, Portsmouth, NH 03801 and the State of New Hampshire Department of Transportation (DOT), with a business address of 7 Hazen Drive, PO Box 483, Concord, NH 03302-0483.

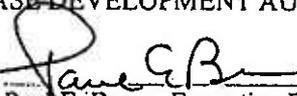
THAT, for consideration, the receipt of which is hereby acknowledged, PDA-DPH does hereby grant to the DOT, the right to enter upon a portion of its property depicted on Exhibit A, attached hereto, for the purpose of construction of the Seabrook-Hampton Bridge, State project #15904.

FURTHER, PDA-DPH does hereby provide DOT a temporary construction area on a portion of PDA-DPH property consisting of 25,657 +/- square feet as depicted on Exhibit A, for a period of 60-months during the construction of the project. The DOT will notify PDA-DPH upon approval from the Governor and Executive Council to proceed with the construction of the Seabrook-Hampton 15904 project. The PDA-DPH shall have unencumbered use of the area(s) at all other times. This Agreement shall expire on September 30, 2033, or one year after completion of the construction for the project, whichever date shall come first.

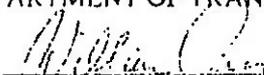
AND IT IS FURTHER AGREED that between the PDA-DPH and DOT no additional instrument will be required in connection herewith, nor will any additional consideration be required.

EXECUTED This 17th day of August, 2023.

STATE OF NEW HAMPSHIRE
PEASE DEVELOPMENT AUTHORITY

By: 
Paul E. Brean, Executive Director

STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION

By: 
William J. Cass, P.E., Commissioner

The foregoing Agreement, having been reviewed by this office, is approved as to form and execution on 8/24, 2023.

OFFICE OF THE ATTORNEY GENERAL

By:


Assistant Attorney General

Return to:
Stephen LaBonte, Bureau Administrator
NH Department of Transportation
Bureau of Right of Way, Room 100
P.O. Box 483
7 Hazen Drive
Concord, NH 03302-0483

IF RECORDED; THIS IS A TRANSFER OF
RESPONSIBILITY BETWEEN AGENCIES
OF THE STATE OF NEW HAMPSHIRE AND
IS THEREFORE EXEMPT FROM THE NEW
HAMPSHIRE REAL ESTATE TRANSFER TAX
PURSUANT TO BY RSA, 78-8:2(I)

Interagency Transfer of Management Responsibility
For a Tract of Land
Located along Westerly Sideline of Ocean Boulevard (Route 1A)
In Hampton, NH
From
Pease Development Authority
To
The State of New Hampshire Department of Transportation

THIS IS NOT A TRANSFER OF TITLE

The Pease Development Authority Division of Ports and Harbors (PDA-DPH), an agency of the State of New Hampshire established under New Hampshire RSA Chapter 12-G, with a business address of 55 International Drive, Portsmouth, NH 03801, County of Rockingham, State of New Hampshire, transfers to the State of New Hampshire, Department of Transportation (DOT), whose address is PO Box 483, 7 Hazen Drive, Concord, NH 03302-0483, County of Merrimack, State of New Hampshire, management responsibilities to the following tract of land held in title by the State of New Hampshire.

A certain tract of land situated on the Westerly side of Ocean Boulevard (Route 1A), consisting of approximately 2,707 ± Square Feet, near station 4096+00 as depicted on Exhibit A, attached hereto.

Being a portion of Parcel 37 (Hampton State Pier), legislatively transferred by the enactment of 2000 N.H. Laws 55:8, from the Department of Resources and Economic Development (DNCR) to

the NH State Port Authority, which was merged into the PDA effective July 1, 2001, by HB 543 (Ch. 290, Laws of 2001).

PURPOSE: The purpose of this Interagency Transfer of Management Responsibility for real property is to denote the transfer of sole management responsibility for the tract from PDA-DPH to DOT for the construction and future maintenance of the Seabrook-Hampton Bridge 15904 project.

Whereas PDA-DPH and DOT are both agencies of the State of New Hampshire, which holds title to the subject property and will continue to do so, this Interagency Transfer of Management Responsibility is not and cannot be construed as a sale, grant, or disposal of real property or any other transfer of title or any interest in the property. This Interagency Transfer of Management Responsibility for Real Property shall nonetheless be recorded in the Rockingham County Registry of Deeds, so that in the event of any future conveyance of the property by the State of New Hampshire to another party, this instrument shall appear on record in the chain of title to confirm that no further fund reimbursement shall be required in future.

IN WITNESS WHEREOF the State of New Hampshire has caused its name to be set and its seal to be hereunto affixed by Paul F. Brean, Executive Director of the Pease Development Authority, duly authorized and executed this 17th day of August 2023.

Signed, Sealed and Delivered
In the presence of:

THE STATE OF NEW HAMPSHIRE
PEASE DEVELOPMENT AUTHORITY

By: Paul E. Brean
Paul E. Brean, PDA Executive Director

STATE OF NEW HAMPSHIRE
ROCKINGHAM COUNTY

On this 17th day of August, 2023, before me, Baeline A. O'Neil the undersigned officer, personally appeared, Paul E. Brean, who acknowledged as being the Executive Director of the Pease Development Authority, and that as such Executive Director, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation as Executive Director.

IN WITNESS WHEREOF I have hereunto set my hand and seal.

Rachel A. O'Neill

Notary Public/Justice of the Peace

My commission expires: _____

Rachel A. O'Neill
Justice of the Peace / Notary Public
State of New Hampshire
My Commission Expires 9/21/2027

IN WITNESS WHEREOF the State of New Hampshire has caused its name to be set and its seal to be hereunto affixed by William J. Cass, P.E., Commissioner of the Department of Transportation, duly authorized and executed this 9th day of AUGUST, 2023.

Signed, Sealed and Delivered
In the presence of:

THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION

By: William J. Cass
William J. Cass, P.E., Commissioner

STATE OF NEW HAMPSHIRE
MERRIMACK COUNTY

On this 9th day of AUGUST, 2023, before me, PAUL CUDINGTON the undersigned officer, personally appeared, William J. Cass, who acknowledged as being the Commissioner of the Department of Transportation, and that as such Commissioner, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation as Commissioner.

IN WITNESS WHEREOF I have hereunto set my hand and seal.

Paul F. Cuddington
Notary Public/Justice of the Peace
My Commission Expires 9/7/2027

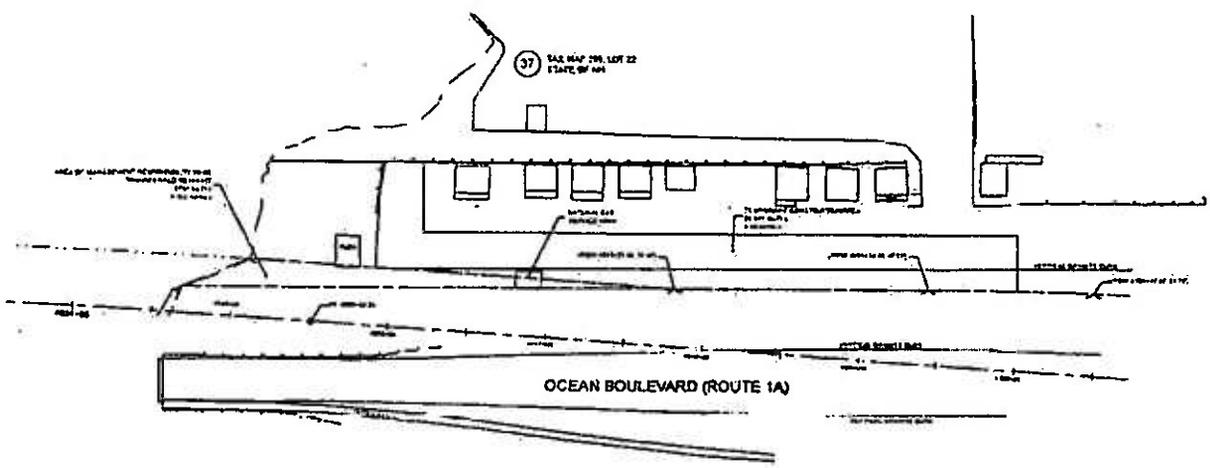
PAUL F. CUDINGTON
JUSTICE OF THE PEACE
State of New Hampshire
My Commission Expires September 7, 2027

The foregoing Agreement, having been reviewed by this office, is approved as to form and execution on 8/24, 2023.

OFFICE OF THE ATTORNEY GENERAL

By: EB

Assistant Attorney General



LAND MANAGEMENT TRANSFER EXHIBIT A
 TOWN OF HAMPTON, NH
 ROCKINGHAM COUNTY