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THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION

54

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
August 2, 2023

REQUESTED ACTION

Under RSA 4:39-c and RSA 228:31, authorize the New Hampshire Department of Transportation (Department) to grant a 1,530 SF Maintenance Easement (Easement) on state-owned land within the Limited Access Right-of-Way, located on the easterly side of NH I-95, Exit 1 northbound off-ramp, and the southerly side of NH Route 107 / US Route 1 in the Town of Seabrook. The easement to BJ'S Wholesale Club, Inc. (Grantee) is for $2,300, which includes the administrative fee of $1,100.

The Department purchased this parcel with 90% Federal Funds and 10% Highway Funds.

Funding is to be credited as follows:

04-096-096-960015-0000-UUU-402156 Administrative Fee $1,100	FY 2024 $1,100
04-096-096-960015-0000-UUU-409279 Sale of Parcel (10% of $1,200)	FY 2024 $120
04-096-096-963515-3054-401771 Consolidated Federal Aid (90% of $1,200)	FY 2024 $1,080

EXPLANATION

The Department received a request for an easement to maintain a drainage area from Waterstone Properties on behalf of the Grantee. The Department acquired the property in the area of the easement in 1967 for the Interstate 95 / NH Route 107 construction project.

The departmental review determined that granting the easement would not interfere with the traffic flow or the Department's maintenance needs. The conveyance of the easement will be as-is, where-is, with-all faults, and the following conditions:

- The Grantee must commission a Land Surveyor licensed in NH to survey and prepare a Perimeter Boundary Line plan depicting the right-of-way limits, meeting the NH Code of Administrative Rules 503.09, and submit it 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 Rockingham County Registry of Deeds, from which the Department will prepare the easement deed. The Grantee will supply a full-size copy of the recorded plan and a draft description of the surveyed parcel.

At the May 26, 2023, Long-Range Capital Planning and Utilization Committee meeting, approval was given for the Department's request (LRCP 23-017) to grant an easement to BJ's Wholesale Club, Inc., for $1,200 and to assess the administrative fee of $1,100.

As noted above, the Department respectfully requests authorization to sell the above-referenced easement.

Respectfully,

William J. Cass, P.E.
Commissioner

WJC/LMW
Attachments

(4455-4,5,7)

LRCP 23-017

STATE OF NEW HAMPSHIRE
INTER-DEPARTMENT COMMUNICATION

FROM: Stephen G. LaBonte
Administrator

DATE: May 8, 2023

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

SUBJECT: **Granting an Easement in Seabrook**
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 grant a 1,530 SF Maintenance Easement (Easement) on state-owned land within the Limited Access Right of Way, located on the easterly side of NH I-95, Exit 1 northbound off-ramp, and the southerly side of NH Route 107/US Route 1 in the Town of Seabrook. The Easement will be granted to BJ's Wholesale Club, Inc. (BJ's), for $2,300, which includes the $1,100 administrative fee. The Easement conveyance will be subject to conditions as specified in this request.

EXPLANATION

The Department received a request for an Easement to maintain a drainage area from Waterstone Properties who are representing BJ's. The Department acquired the property in the area of the Easement in 1967 for the Interstate Route 95/NH Route 107 construction project.

After a departmental review, it was determined that the Easement would not interfere with the flow of traffic or the Department's maintenance needs. This parcel will be conveyed with the following condition:

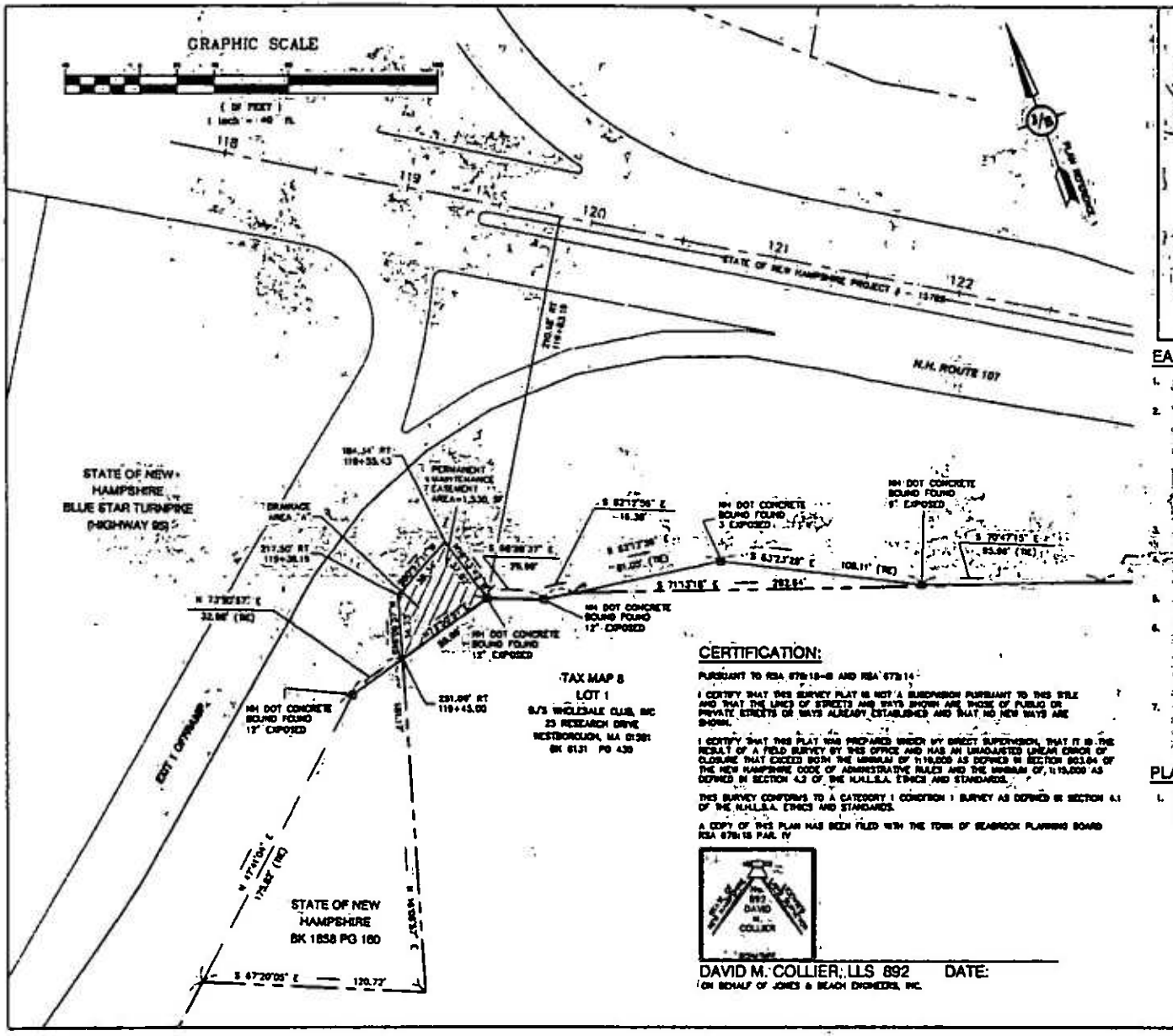
- As a condition of this sale, the buyer (Grantee) will be required to commission a Land Surveyor licensed in New Hampshire, to survey and prepare a plan depicting the limits of the Easement and limits of the right-of-way, meeting the NH Code of Administrative Rules 503.09, to be submitted to the Department for review and approval. Upon approval by the Department, the Buyer is required to record the plan under RSA 478:1-a, in the Rockingham County Registry of Deeds, from which the Department will prepare the conveyance deed.

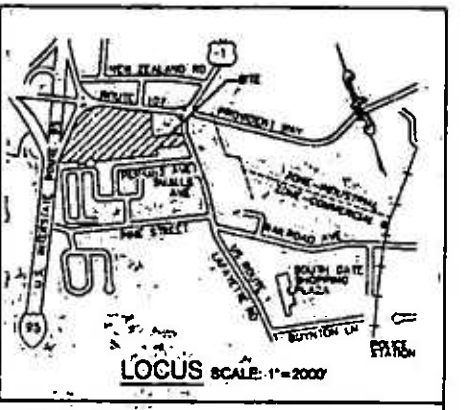
A Staff Appraiser from the Department evaluated the subject property for the contributory value to the abutting property. They then prepared a market value appraisal using the sales comparison approach that adheres to the Right of Way Manual requirements and the Uniform Standards of Professional Appraisal Practice. The market value for the Easement as of March 3, 2023, was concluded to be $1,200.

The Department respectfully requests authorization to grant the subject Easement as outlined within this request.

SGL/LMW
Attachments

S:\Right-Of-Way\Property Management\TOWNS parcels in process\Seabrook\I95-107 Waterstone - Jones and Beach\Long Range\Long Range.doc





LOCUS SCALE: 1"=2000'

EASEMENT NOTES:

1. THE INTENT OF THIS PLAN IS SHOW PROPOSED DRAINAGE AND MAINTENANCE EASEMENTS.
2. THIS PLAN SET HAS BEEN PREPARED BY JONES & BEACH ENGINEERS, INC., FOR MUNICIPAL AND STATE APPROVALS AND FOR CONSTRUCTION BASED ON DATA OBTAINED FROM ON-SITE FIELD SURVEY AND EXISTING MUNICIPAL RECORDS. THROUGHOUT THE CONSTRUCTION PROCESS, THE CONTRACTOR SHALL INFORM THE ENGINEER IMMEDIATELY OF ANY FIELD DISCREPANCY FROM DATA AS SHOWN ON THE DESIGN PLANS, INCLUDING ANY UNFORESEEN CONDITIONS, SUBSURFACE OR OTHERWISE, FOR EVALUATION AND RECOMMENDATIONS. ANY CONTRADICTION BETWEEN ITEMS ON THIS PLAN/PLAN SET, OR BETWEEN THE PLANS AND ON-SITE CONDITIONS, MUST BE RESOLVED BEFORE RELATED CONSTRUCTION HAS BEEN INITIATED.
3. ALL BOOK AND PAGE NUMBERS REFER TO THE ROCKINGHAM COUNTY REGISTRY OF DEEDS.
4. THE TAX MAP AND LOT NUMBERS AND ABUTTING OWNERS ARE BASED ON THE TOWN OF SEABROOK TAX RECORDS AND ARE SUBJECT TO CHANGE.
5. RESEARCH WAS PERFORMED AT THE TOWN OF RYE ASSESSOR'S OFFICE AND THE ROCKINGHAM COUNTY REGISTRY OF DEEDS.
6. THIS SURVEY IS NOT A CERTIFICATION TO OWNERSHIP OR TITLE OF LANDS SHOWN. OWNERSHIP AND ENCUMBRANCES ARE MATTERS OF TITLE EXAMINATION NOT OF A BOUNDARY SURVEY. THE INTENT OF THIS PLAN IS TO RETRACE THE BOUNDARY LINES OF DEEDS REFERENCED HEREON. OWNERSHIP OF ADJOINING PROPERTIES IS ACCORDING TO ASSESSOR'S RECORDS. THIS PLAN MAY OR MAY NOT INDICATE ALL ENCUMBRANCES EXPRESSED, IMPLIED OR PRESCRIPTIVE.
7. ANY USE OF THIS PLAN AND OR ACCOMPANYING DESCRIPTIONS SHOULD BE DONE WITH LEGAL COUNSEL TO BE CERTAIN THAT TITLES ARE CLEAR, THAT INFORMATION IS CURRENT, AND THAT ANY NECESSARY CERTIFICATES ARE IN PLACE FOR A PARTICULAR CONVEYANCE, OR OTHER USES.

CERTIFICATION:

PURSUANT TO RSA 676:18-II AND RSA 672:14

I CERTIFY THAT THIS SURVEY PLAT IS NOT A SUBDIVISION PURSUANT TO THIS TITLE AND THAT THE LINES OF STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED AND THAT NO NEW WAYS ARE SHOWN.

I CERTIFY THAT THIS PLAT WAS PREPARED UNDER MY DIRECT SUPERVISION, THAT IT IS THE RESULT OF A FIELD SURVEY BY THIS OFFICE AND HAS AN UNADJUSTED LINEAR ERROR OF CLOSURE THAT EXCEED BOTH THE MINIMUM OF 1:10,000 AS DEFINED IN SECTION 803.04 OF THE NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES AND THE MINIMUM OF 1:15,000 AS DEFINED IN SECTION 4.3 OF THE N.H.L.S.A. ETHICS AND STANDARDS.

THIS SURVEY CONFORMS TO A CATEGORY 1 CONDITION 1 SURVEY AS DEFINED IN SECTION 4.1 OF THE N.H.L.S.A. ETHICS AND STANDARDS.

A COPY OF THIS PLAN HAS BEEN FILED WITH THE TOWN OF SEABROOK PLANNING BOARD RSA 676:18 PAR. IV

DAVID M. COLLIER, LLS 892 DATE:
ON BEHALF OF JONES & BEACH ENGINEERS, INC.

PLAN REFERENCES:

1. "LOT LINE ADJUSTMENT PLAN TAX MAP 8 LOT 1 B/S WHOLESALE CLUB INC. TAX MAP 8 LOT 1-3 SEABROOK DEVELOPMENT ASSOC LLC" DATED AND RECORDED: 1/28/20, RECORDED AT ROID AS PLAN D-42383

Design: EMP	Draft: EMP	Date: 7/29/19				
Checked: WDM	Scale: 1"=40'	Proj. No.: 15230.5				
Drawing Name: 15230.5-PLAN.dwg			2	1-6-23	REVISED FOR NH DOT	JLW
THIS PLAN SHALL NOT BE MODIFIED WITHOUT WRITTEN PERMISSION FROM JONES & BEACH ENGINEERS, INC. ANY ALTERATIONS, AUTHORIZED OR OTHERWISE, SHALL BE AT THE USERS SOLE RISK AND WITHOUT LIABILITY TO JBE.			1	2/26/20	ADDED STATIONING	DMC
			0	7/29/19	ISSUED FOR REVIEW	EMP
			REV.	DATE	REVISION	BY

Designed and Produced in NH
Jones & Beach Engineers, Inc.
Civil Engineering Services
85 Portsmouth Ave.
PO Box 219
Stratham, NH 03885
603-773-4746
FAX: 603-773-0227
E-MAIL: JBE@JONESANDBEACH.COM

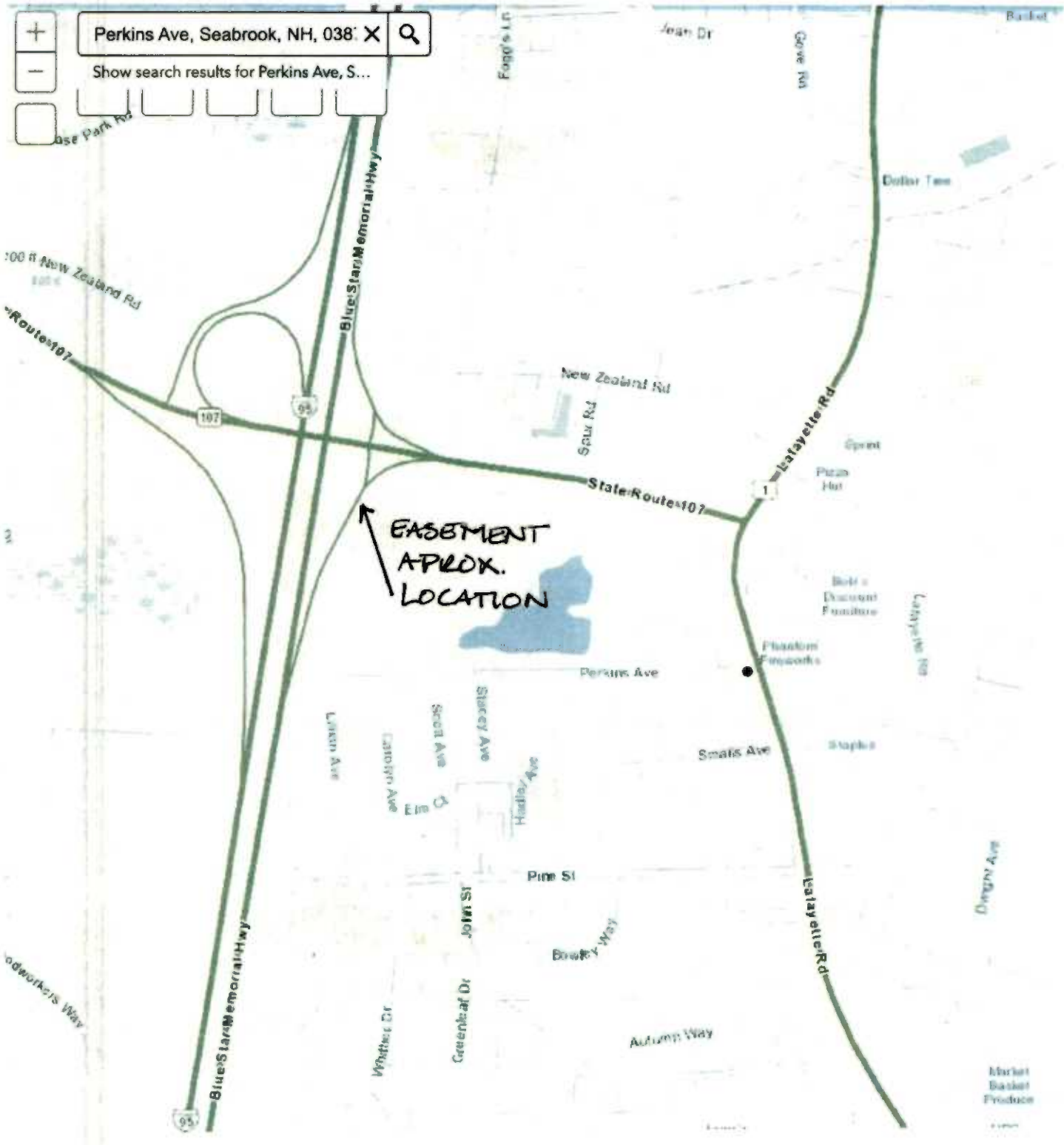
Plan Name: EASEMENT PLAN.

Project: COMMERCIAL DEVELOPMENT - 103 LAFAYETTE ROAD, SEABROOK, NH
EASEMENT ON LANDS LOCATED ON INTERSTATE 95, EXIT 1,
NORTHBOUND OFF RAMP TO NH SOUTH, NY
TAX MAP 8, LOT 1

Owners of Record: B/S WHOLESALE CLUB, INC
23 RESEARCH DRIVE, WESTBOROUGH, MA 01581
NEW HAMPSHIRE ROUTE 107 AND INTERSTATE 95
STATE OF NEW HAMPSHIRE DEPARTMENT OF TRANSPORTATION
1 HAZEN DRIVE, CONCORD, NH 03301

DRAWING No.
EA1
SHEET 1 OF 1
JBE PROJECT NO. 15230.5

Parcel Mosaic Viewer



INDEX OF SHEETS

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11-12	SUMMARY
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15-27	PLANS
28-35	PROFILES

STATE OF NEW HAMPSHIRE
DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS

File # S-4977

PLANS OF PROPOSED
FEDERAL AID R.O.W. PROJECT

I-95-1(12)0	S-68(2)
N.H. PROJECT P-7488-J	N.H. PROJECT S-7839, CONTRACT 1
INTERSTATE ROUTE 95	N.H. ROUTE 107

SCALES: PLAN 1" = 50' ; PROFILE VERT. 1" = 10' HOR. 1" = 50' ; CROSS SECTION VERT. 1" = 10' HOR. 1" = 10'

THIS PROJECT TO BE CONSTRUCTED IN ACCORDANCE WITH STANDARD SPECIFICATIONS DATED NOVEMBER 1, 1968

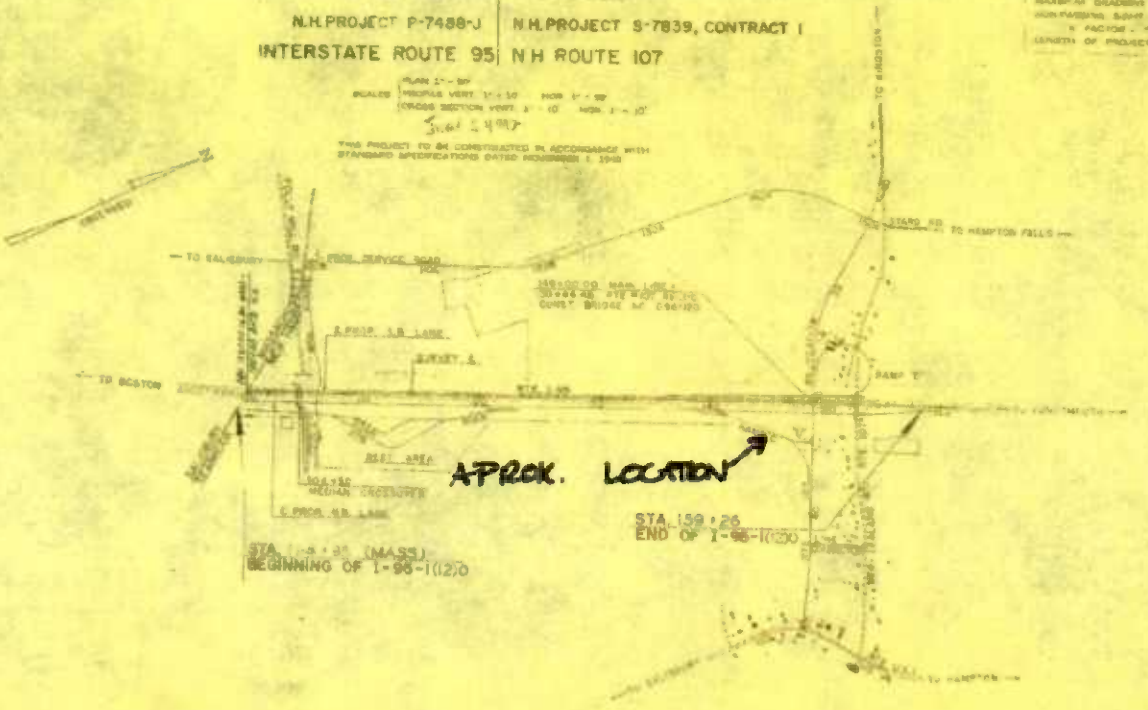
DESIGN DATA

AVERAGE DAILY TRAFFIC	1969	[illegible]
AVERAGE DAILY TRAFFIC	1989	4,000
TRAFFIC CLASSIFICATION		[illegible]
DESIGN SPEED		[illegible]
MAXIMUM CURVATURE		[illegible]
MAXIMUM GRADIENT		[illegible]
NON-PASSING SIGHT DISTANCE		[illegible]
K FACTOR - CREST		[illegible]
LENGTH OF PROJECT		[illegible]

LOCATION MAP

SCALE 1" = 1 MILE

DEPOSIT AREA



LAYOUT

SCALE 1" = 500 FEET

TOWN OF SEABROOK
COUNTY OF ROCKINGHAM

RECOMMENDED FOR APPROVAL: DATE [illegible]

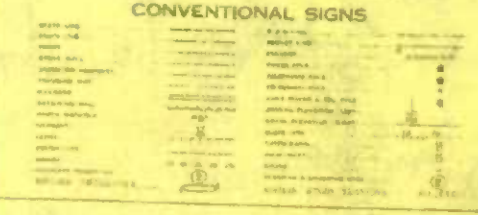
APPROVED [illegible]

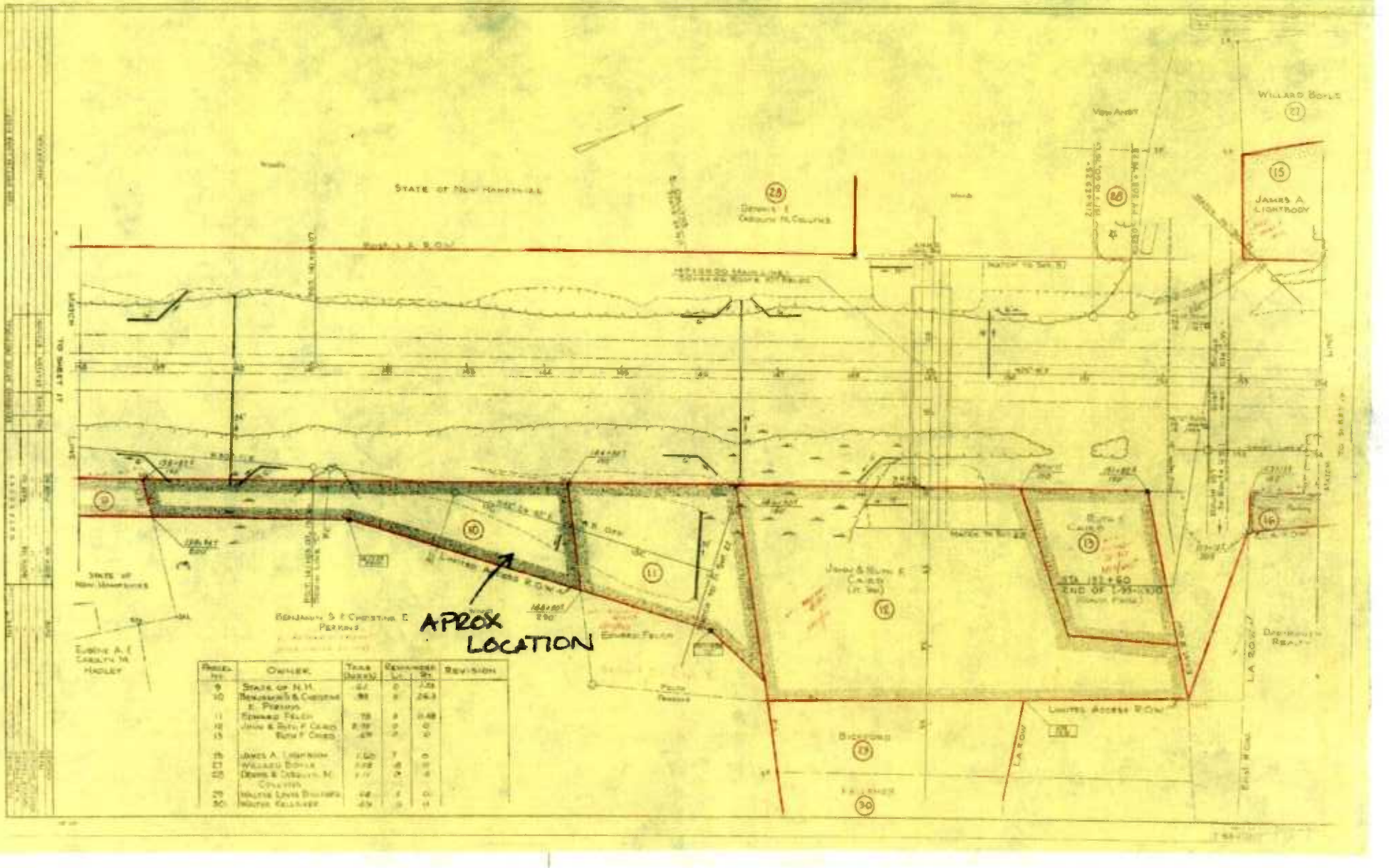
APPROVED [illegible]

DEPARTMENT OF COMMERCE
BUREAU OF PUBLIC ROADS

APPROVED

CONVENTIONAL SIGNS




STATE OF NEW HAMPSHIRE
WILLARD BOYLE
JAMES A. LIGHTBODY
APROX LOCATION
BENJAMIN S. & CHRISTINE E. PERKINS
EDWARD FELCH
LIMITED ACCESS R.O.W.
END OF
REVISION