



William Cass, P.E.
Commissioner

THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION

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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
March 27, 2024

REQUESTED ACTION

The Department of Transportation requests placing this item on the Consent Calendar.

Under RSA 4:39-c, IV and 228:31, authorize the Department of Transportation to convey to Public Service Company of New Hampshire, d/b/a Eversource Energy, an easement located on the westerly side of the southbound travel lane of Interstate 93 in the Town of Londonderry, totaling 41,699 +/- square feet in size. Eversource Energy will be discharging its existing easement on the land acquired by the Department of Transportation for the Londonderry-Derry, 13065, Exit 4A Project (Project), in exchange for the Department granting a replacement utility easement, which is located southeasterly from the current easement area. This easement swap will be effective upon Governor and Council approval and will mitigate the damages to the easement holder.

EXPLANATION

The Department acquired Parcel 16 in total. Eversource holds a utility easement, 135' in width, on Parcel 16. To accommodate the project's layout, the transmission line within this easement needs to shift southeasterly from its existing location. Because the transmission line will remain on Parcel 16 in a new location, a new easement is required to preserve Eversource's property right in perpetuity and mitigate the loss of the easement in the current location.

The Department respectfully requests authorization to convey the easement to accommodate the new layout. Again, there is no cost associated with this conveyance.

Respectfully,

William J. Cass, P.E.
Commissioner

WJC/dsr
Attachments

Return Original to:

Attn: E. Snyder - T&D Rights of Way
PSNH d/b/a Eversource Energy
P.O. Box 330
Manchester, NH 03105-0330

PARTIAL RELEASE DEED

KNOW ALL MEN BY THESE PRESENTS, that **Public Service Company of New Hampshire, d/b/a Eversource Energy** a corporation organized and existing under the laws of the State of New Hampshire, having its principal place of business at Energy Park, 780 North Commercial Street, Manchester, New Hampshire 03101 ("Releasor"), for good and valuable consideration, the sufficiency and receipt of which is hereby acknowledged, does hereby release and forever discharge unto **The State Of New Hampshire**, acting through the New Hampshire Department Of Transportation, John O. Morton Bldg., Rm 200, 7 Hazen Drive, with a mailing address of P. O. Box 483, Concord, New Hampshire 03302-0483 ("Releasee"), its right, title and interest in the following easement located on Londonderry assessor Map 010, Parcel(s) 029C-A/B and 29C-1A/1B, in the County of Rockingham and State of New Hampshire:

A portion of those certain easements granted to Releasor, the first dated 17 October 1928, recorded at the Rockingham County Registry of Deeds in Book 848, Page 453, and the second dated 6 November 1954, recorded at the Rockingham County Registry of Deeds in Book 1337, Page 205, which portion to be released hereby is more particularly described as follows:

Beginning at a point on the northeasterly side of Trolley Car Lane in the Town of Londonderry, County of Rockingham, State of New Hampshire, said point lying N 40° 15' 38" W a distance of 46.99' from a SB FND, as shown on the hereinafter referenced plan.

Thence N 40° 15' 38" W along said Trolley Car Lane a distance of 61.67' to a point,
Thence N 43° 54' 05" W along said Trolley Car Lane a distance of 81.11' to a point,
Thence N 66° 35' 46" E a distance of 478.09' to a point on the southwesterly edge of existing NHDOT Interstate 93 Right of Way, said point also lying S 40° 15' 13" E a distance of 637.28' from a IR FND,
Thence S 40° 15' 13" E along said NHDOT Interstate 93 Right of Way a distance of 141.06' to a point lying N 40° 15' 13" W a distance of 75.90' from a IR FND,
Thence S 66° 35' 46" W a distance of 172.69' to the point of beginning.

Said partial release area contains 64,019 square feet or 1.470 acres and is shown as "Right of Way Easement, Book 848, Page 453, Book 1337, Page 205, To Be Released" on a plan entitled "Easement Relocation Plan of Land Map 10 Lot 50 Map 10 Lot 29C-A/B Map 10 Lot 29C-1A/1B in Londonderry, New Hampshire" dated December 7, 2022 by VHB, now or hereafter recorded.

This release is given in consideration for and in conjunction with the contemporaneous grant of overhead and underground transmission line easement rights by the State of New Hampshire to the Releasor for line relocation as depicted on the aforesaid plan under easement deed dated on or about even date herewith to be recorded in conjunction herewith.

This conveyance is made without any release or consent by the Trustee under the Releasor's First Mortgage Indenture dated as of August 15, 1978, to U.S. Bank Trust Company National Association, successor to Wachovia Bank National Association, and to First Union National Bank, formerly known as First Fidelity Bank, National Association, New Jersey, successor to Bank of New England, National Association (formerly known as New England Merchants National Bank) and to New Bank of New England, National Association, Trustee, as amended and restated in the Eighteenth Supplemental Indenture, dated as of May 1, 2011, recorded at the Rockingham County Registry of Deeds in Book 5217, Page 1379, pursuant to and in accordance with Article Sixteen, Section 1602 (e) of the said First Mortgage Indenture as set forth in Schedule C to said Eighteenth Supplemental Indenture, which provision allows the Releasor to release any easement over private property for transmission lines which have been theretofore removed by the Releasor to other property and in the opinion of the undersigned officer of the Releasor, or his or her duly authorized delegate, the partial release described herein will not materially impair the value and utility generally of all its properties as an entirety and the security for the bonds will not thereby be impaired.

This is a non-contractual transfer pursuant to RSA 78-B:10, III(b) and is therefore not subject to New Hampshire Transfer Taxes. The released easements are not homestead property of the Releasor

EXECUTED this _____ day of _____, 2023.

Public Service Company of New Hampshire
d/b/a Eversource Energy

By: 

Name:
Shawn A. Southworth
Manager, Right of Way

STATE OF)
)
COUNTY OF)

Acknowledged before me on the date of _____, 2023, by Shawn A. Southworth, a Manager, Right of Way, of Public Service Company of New Hampshire doing business as Eversource Energy, a New Hampshire corporation, on behalf of the corporation.

Notary Public/Justice of the Peace

My Commission Expires:

(SEAL)

Return to:
Attn: Eugenia N. Snyder
PSNH T&D ROW Department
780 North Commercial Street
Manchester, NH 03101

EASEMENT DEED

KNOW ALL MEN BY THESE PRESENTS, that THE STATE OF NEW HAMPSHIRE, DEPARTMENT OF TRANSPORTATION, with a mailing address of P.O. Box 483, Concord, New Hampshire 03302-0483 (hereinafter called Grantor) for consideration paid, grants to PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE d/b/a EVERSOURCE ENERGY, a New Hampshire corporation, with its principal place of business and mailing address at 780 North Commercial Street, P.O. Box 330, in Manchester, County of Hillsborough, State of New Hampshire 03105 (hereinafter called Grantee), and its successors and assigns, with WARRANTY covenants,

The perpetual RIGHT and EASEMENT to construct, maintain, repair, rebuild, inspect, operate, patrol and remove overhead and underground lines and facilities consisting of wires, cables, ducts, manholes, poles and towers, together with foundations, crossarms, braces, anchors, guys, grounds, and other equipment for the transmission and distribution of electric current and/or communications and/or signals, data, or other intelligence over, under, and across a certain parcel of land one hundred and thirty five (135') feet in width situated in the Town of Londonderry, in the County of Rockingham, State of New Hampshire, shown as "Proposed Relocation of P.S.N.H. Easement" on plan entitled "Easement Relocation Plan of Land Map 10 Lot 50 Map 10 Lot 29C-A/B Map 10 Lot 29C-1A/1B in Londonderry New Hampshire" dated December 7, 2022 Recorded at the R.C.R.D. plan #D-44147 (the "Easement Plan").

Said 135' foot wide parcel shall be more particularly bounded and described according to the Easement Plan as follows:

Commencing at a point along the easterly sideline of Trolley Car Lane, as now travelled, said point being the southerly corner of land now or formerly Lorrene S. Durso; thence S 43°54'05" E a distance of Thirty-One and Seventy-Three Hundredths feet (31.73') to the point of beginning, thence

N 59°22'17" E a distance of Three Hundred Twenty-Five and Thirty-Eight Hundredths feet (325.38') to a point at the westerly sideline of the proposed NHDOT Right-of-Way; thence

- S 29°55'32" E a distance of One Hundred Ten and Ninety-Three Hundredths feet (110.93') along said proposed Right-of-Way to a point; thence
- S 36°36'44" E continuing along said proposed Right-of-Way a distance of Twenty-Four and Twenty-One Hundredths feet (24.21') to a point along the lot line of Tax Map 10 Lot 29C-1A/1B; thence
- S 59°22'17" W a distance across the lot line of Tax Map 10 Lot 29C-1A/1B Two Hundred Ninety-Four and Seventy Hundredths feet (294.70') to a point along the easterly sideline of Trolley Car Lane as now travelled; thence
- N 43°54'05" W along the easterly sideline of Trolley Car Lane, as now travelled, a distance of One Hundred Thirty-Eight and Seventy-One Hundredths feet (138.71') to a point of beginning.

Said easement area containing 41,699 square feet or 0.957 acres more or less.

Meaning and intending to describe and convey easement rights in a portion of the same premises (Londonderry Assessor Tax Map 10 Lots 29C-A & 29C-B) conveyed to the Grantors by deeds from Rochelle Brown dated 6/30/2020 and recorded at the Rockingham County Registry of Deeds in Book 6133, Page 1549 and, deed from James Langley dated 6/30/2020 recorded in Book 6133, Page 1551.

This conveyance shall include the right to clear and keep clear the easement parcel of all trees and underbrush by such means as the Grantee may select, to remove all structures or obstructions which are found within the limits of the said parcel, to cut or trim such trees on the adjacent land of the Grantors as in the judgment of the Grantee may interfere with or endanger said lines and facilities or their maintenance and operation, and to pass and repass on, over and across the said parcel with personnel, vehicles and equipment for all purposes and at all times in the lawful exercise of the rights granted herein.

The conveyance shall further include the rights of access as shown on said plan.

The Grantors for themselves and their heirs, executors, administrators, successors and assigns, covenant and agree to and with the Grantee, its successors and assigns, that they will not erect or maintain any building or other structure, or permit the erection or maintenance of any building or other structure of any kind or nature upon the easement parcel, or change the existing grade or ground level of the easement parcel by excavation or filling.

Meaning and intending to provide Grantee with a substitute property interest in accordance with RSA 230:12 for New Hampshire Department of Transportation project Londonderry 13065. This easement is granted in consideration for and in conjunction with the contemporaneous partial release of certain easements held by Grantee, the first dated 17 October 1928, recorded at the Rockingham County Registry of Deeds in Book 848, Page 453, and the

second dated 6 November 1954, recorded at the Rockingham County Registry of Deeds in Book 1337, Page 205, under partial release deed dated on or about even date herewith to be recorded in conjunction herewith.

This is not homestead property.

EXECUTED this _____ day of _____ 2024.

Witness

William J. Cass, PE, Commissioner

State of New Hampshire, SS.
County of Rockingham

The foregoing instrument was acknowledged before me this _____ day of 2024, by William J. Cass, PE in his capacity as Commissioner, NH Department of Transportation.

My commission expires:

Notary Public/Justice of the Peace