



William Cass, P.E.
Commissioner

THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION



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

January 12, 2024

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

REQUESTED ACTION

Authorize the Pease Development Authority Division of Ports and Harbors (PDA-DPH) and the New Hampshire Department of Transportation (DOT) to enter into an Interagency Transfer of Management Responsibility Agreement (Agreement) for a parcel of land situated on the Southeasterly side of the US Route 1 Bypass, associated with the Sarah Mildred Long (SML) Bridge Replacement project 15731. The parcel is required to accommodate the new alignment of the SML bridge. The PDA Board approved this Agreement on December 21, 2023, and it will become effective upon approval by the Governor and Executive Council.

EXPLANATION

The purpose of this Agreement is to denote the transfer of sole management responsibility for the subject 0.50 ± acres tract from PDA-DPH to DOT for the Sarah Mildred Long (SML) Bridge Replacement project 15731.

Instead of just compensation for impacts from the SML bridge replacement project 15731, PDA-DPH requested a *functional replacement of publicly owned real property* per 23 CFR 710.509 and New Hampshire RSA 228:31-Acquisition and Disposal of Land or Property, in consultation with the Federal Highway Administration due to impacts to the Market Street Marine Terminal. A summary of items eligible for functional replacement is summarized in a report entitled "PDA-DPH Conceptual Design at Market Street Marine Terminal," dated November 2013 and prepared by Appledore Marine Engineering, Inc. for Hoyle, Tanner & Associates, Inc.

The State of New Hampshire holds title to the subject parcel and will continue to do so. This Agreement should not be construed as a sale, grant, or disposal of real property or any other title transfer or interest in the subject property. This Agreement will be recorded in the Rockingham County Registry of Deeds.

We request your approval of this transfer agreement.

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

Paul E. Brean, PDA Executive Director

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-B:2(I)

Interagency Transfer of Management Responsibility
For a Tract of Land
Located on the Southeasterly side of US Route 1 Bypass
In Portsmouth, NH
From
The 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 parcel of land, approximately 0.50 ± acres, situated on the Southeasterly side of the US Route 1 Bypass, as now travelled, in the City of Portsmouth, County of Rockingham, State of New Hampshire, and being shown as "AREA OF ACQUISITION FOR THE US ROUTE 1 BYPASS" on a Plan entitled "Owner of Record: State of N.H. US Route 1 Bypass & Submarine Way Right-of-Way Layout Plans City of Portsmouth July 16, 2019", on file in the records of the New Hampshire Department of Transportation and recorded in the Rockingham County Registry of Deeds on July 16, 2019, Plan D-41599.

Being a portion of the premises conveyed by Boston and Maine Corporation by deed dated August 30, 1967 and recorded at Book 1886 page 158, and a portion of the premises conveyed by Boston and Maine Railroad by deed dated March 31, 1961 recorded at Book 1578 page 516.

PURPOSE: The purpose of this Interagency Transfer of Management Responsibility for real property is to denote the transfer of sole management responsibility for the subject 0.50 ± acres tract from PDA-DPH to DOT for the Sarah Mildred Long (SML) Bridge Replacement project 15731.

In lieu of just compensation for impacts from the SML bridge replacement project 15731, PDA-DPH requested a *Functional replacement of publicly owned real property* per 23 CFR 710.509 and New Hampshire RSA 228:31-Acquisition and Disposal of Land or Property, in consultation with

the Federal Highway Administration due to impacts to the Market Street Marine Terminal. A summary of items eligible for functional replacement are summarized in a report entitled "PDS-DPH Conceptual Design at ...Market Street Marine Terminal" dated November 2013 and prepared by Appledore Marine Engineering, Inc., for Hoyle & Tanner, & Associates, Inc.

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 E. Brean, Executive Director of the Pease Development Authority, duly authorized and executed this 16th day of January, 2024.

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 16th day of January, 2024, before me, Raeline 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.

Raeline A. O'Neil
Notary Public/Justice of the Peace Raeline A. O'Neil
My commission expires: _____ 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 31st day of January 2024.

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 31st day of January, 2024, before me, Joyce A. Forner 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.

Joyce A. Forner
Notary Public/Justice of the Peace
My Commission Expires Feb. 08, 2028
Notary Public/Justice of the Peace
My Commission Expires Feb. 08, 2028

The foregoing Agreement, having been reviewed by this office, is approved as to form and execution on 02/06, 2024.

OFFICE OF THE ATTORNEY GENERAL

By: SB
Samuel Burgess, Assistant Attorney General