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# State of New Hampshire

**DEPARTMENT OF ADMINISTRATIVE SERVICES**
**25 Capitol Street – Room 100**
**Concord, New Hampshire 03301**
Office@das.nh.gov

**Charles M. Arlinghaus**
**Commissioner**
**(603) 271-3201**

**Catherine A. Keane**
**Deputy Commissioner**
**(603) 271-2059**

**Sheri L. Rockburn**
**Assistant Commissioner**
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July 3, 2024

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

## REQUESTED ACTION

The Department of Administrative Services ("DAS" or "the Department"), for itself and on behalf of the State of New Hampshire and the Trustees of the Community College System of New Hampshire (CCSNH), pursuant to RSA 21-I:11, I(c)(3), requests authorization for the DAS Commissioner to execute on behalf of the State of New Hampshire the attached confirmatory deed memorializing for title purposes the transfer of real property traditionally associated with Manchester Community College from the State of New Hampshire to the Trustees of the CCSNH, as effectuated in 2011 by RSA 188-F:1-a, together with any other instruments, affidavits, certificates, or documents as may be required to clear title in anticipation of the proposed sale of one (1) parcel of land located in the Town of Bennington, New Hampshire to a private buyer effective upon Governor and Executive Council approval.

The Department further requests authorization, also pursuant to RSA 21-I:11, I(c)(3), to waive on behalf of the State of Hampshire the State's right of first refusal under RSA 188-F:6, XIII-a regarding said parcel of land in Bennington proposed to be sold by the Trustees of the CCSNH.

## EXPLANATION

On July 17, 2007, the former Department of Regional Community Technical Colleges (DRCTC) ceased to be an executive branch agency of the State of New Hampshire and became the Community College System of New Hampshire, a separate and distinct corporate entity, pursuant to Laws 2007, Chapter 361. Four years later RSA 188-F:1-a was enacted to complete the transition by effectuating the transfer of ownership of all real and personal property of the former DRCTC to the Trustees of the CCSNH. By operation of Laws 2011, 199:4, the effective date of such transfer was August 19, 2011. Included among the real property of the former DRCTC is the subject parcel of land in Bennington, New Hampshire associated with Manchester Community College (MCC), which is a previously subdivided but otherwise unimproved 1.4-acre (approximate) single family house lot.

In March 2024, the subject parcel of land in Bennington went under contract to be sold by the Trustees of the CCSNH, said parcel having been determined to be surplus to the current and future needs of MCC and the CCSNH. However, in order to sell or transfer such parcel, the CCSNH Trustees must be

able to demonstrate clean title. The purpose of the attached confirmatory deed is to supplement RSA 188-F:1-a, which effectuated the transfer of the subject parcel to the CCSNH Trustees, with a description of the property transferred sufficient for title purposes, and to adequately document the transfer in the Hillsborough County Registry of Deeds. The attached confirmatory deed documents the subject parcel of land in Bennington currently proposed to be sold.

According to RSA 188-F:6, XIII-a: "the state shall retain the right of first refusal in any proposed sale of real property" acquired pursuant to RSA 188-F:1-a by the Trustees of the CCSNH. However, the statute provides no guidance with respect to the process by which the State shall determine whether to exercise its right of first refusal. By email dated June 28, 2024 to Department of Natural and Cultural Resources, New Hampshire Fish and Game, Department of Transportation, Department of Health and Human Services, Department of Corrections, Department of Safety, and Department of Military Affairs and Veterans Services staff, DAS advised the recipient State agencies of the limited opportunity to exercise the State's right of first refusal and thereby purchase the subject parcel of land proposed to be sold by the Trustees of the CCSNH at the contract price. DAS further urged agency recipients to respond no later than July 31, 2024 with any interest in exercising the right of first refusal. As of the date of this letter, no State agency has expressed any affirmative interest in acquiring the parcel, and three (3) of the seven (7) State agencies contacted have already expressly declined the opportunity.

The DAS Commissioner is the appropriate person to execute the attached confirmatory deeds by virtue of RSA 21-I:11, I(c)(3), which provides that DAS shall have "custody of all state owned or rented real property not specifically charged to some other department." Unless another State agency notifies DAS on or before July 31 of its interest in exercising the State's right of first refusal in the subject parcel, DAS proposes to waive such right on behalf of the State pursuant to RSA 21-I:11, I(c)(3) in the subject parcel of land proposed to be sold by the Trustees of the CCSNH.

Respectfully submitted,

Charles M. Arlinghaus
Commissioner

Attachments

Return to:
Office of the General Counsel
Community College System of New Hampshire
26 College Drive
Concord, New Hampshire 03301-7407

**CONFIRMATORY DEED**

The **STATE OF NEW HAMPSHIRE**, acting by and through its Department of Administrative Services pursuant to NH RSA 21-I:11, I(c)(3), as authorized by the Governor and Executive Council on _____, 2024 (Meeting Agenda Item #_____), with a mailing address of Department of Administrative Services, Office of the Commissioner, 25 Capitol Street, Concord, New Hampshire 03301 (the "State"), hereby confirms a prior legislative grant effectuated by NH RSA 188-F:1-a, such prior grant having been given for valuable consideration, to the **TRUSTEES OF THE COMMUNITY COLLEGE SYSTEM OF NEW HAMPSHIRE**, a body politic and corporate established by NH RSA 188-F:1, with a mailing address of Office of the General Counsel, Community College System of New Hampshire, 26 College Drive, Concord, New Hampshire 03301-7407 (the "Grantee"), of the following described property located in the Town of Bennington, County of Hillsborough, State of New Hampshire (the "Premises"):

A certain tract of land known as Lot #19-16, containing 1.4 acres, more or less, and located on the westerly side of Gillis Hill Road, Town of Bennington, County of Hillsborough, State of New Hampshire 03442 and bounded as follows:

Beginning on the Westerly side of said Gillis Hill road at the northeast corner of the within described premises at an iron pipe set in the ground; thence

South 45°15' West along the first tract of land conveyed four hundred (400) feet, more or less, to an iron pipe set in the ground; thence

North 36°00' West along land now or formerly of Blanchards one hundred fifty (150) feet, more or less, to an iron pipe set in the ground; thence

North 45°15' East along land now or formerly of John P. Hagen four hundred (400) feet, more or less, to the Westerly edge of Gillis Hill Road and a stone wall; thence

South 36°00' East along said Gillis Hill Road and stone wall to the point of beginning.

Being lot #14 shown on corrected plan entitled, "Survey of Land of Robert L. and Eunice W. Blanchard, Bennington, New Hampshire, 1 inch = 100 feet, February 1973, Horizon Acres, Section 3". See earlier plan "Horizon Acres, Robert L. and Eunice W. Blanchard, Bennington, N.H., approved by the New Hampshire Water Supply and Pollution Control Commission, December 19, 1969, being Approval Number 980, Gillis Hill, Section 3, Richard A. Crane, Hillsborough, N.H. tape and compass survey".

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Meaning and intending to describe and convey the same premises conveyed to New Hampshire Technical College at Manchester (which was then part of the Department of Regional Community Technical Colleges, a former executive branch agency of the State of New Hampshire) by Warranty Deed of Richard B. Newbert dated December 27, 1993, recorded in the Hillsborough County Registry of Deeds at Book 5508, Page 1307, being a portion of the same premises conveyed by Lyman K Doane II and Jo Ann Doane to Brockman Associates, Inc., by Warranty Deed on October 2, 1989 and recorded in the Hillsborough County Registry of Deeds at Book 5140 and Page 0901.

This conveyance is made subject to the following restrictions which shall apply to all lots appearing on the referenced plan and which said restrictions shall run with the land for thirty (30) years.

(a) No business or commercial undertaking shall be conducted on the premises. Nothing herein shall prevent an owner from renting the dwelling upon the premises for a single family use and occupancy.

(b) No lot shall be sub-divided if the resulting sub-division shall contain lots of less than one (1) acre in size or having less than one hundred (100) feet frontage on its principal route of access.

(c) No more than one (1) single family dwelling unit shall be erected on any single lot and no structure contain less than six hundred (600) square feet of first floor space (exclusive of porch and garage) shall be erected on any single lot.

(d) Any structure erected on the premises shall be completed as to its exterior, within one (l) year from the start of construction, and no tar paper or temporary exterior siding shall be remain exposed for more than one (1) year.

(e) House trailer or mobile homes shall not be permitted on the premises and no camping, tenting or travel-type trailers shall be permitted to remain on the premises for longer than three (3) months. Unregistered vehicles shall not be permitted on the premises for storage or otherwise.

(f) Any structure erected on the premises shall be set-back at least thirty (30) feet from any road or right-of-way and ten (10) feet from every other lot line.

(g) All septic and waste disposal systems shall be installed in full compliance with the local and State water pollution regulations and no outside toilets or privies shall be permitted for any purpose.

(h) Each lot owner shall provide off-street parking for the use of himself and his guests and no vehicle shall be permitted to remain parked on the common private roadways within the development, except that parking for temporary visitation shall be excepted herefrom.

(i) Only small signs identifying the owner of the premises shall be permitted.

(j) In order to preserve the natural beauty of the premises and those surrounding each, no lot shall be stripped of trees or foliage and only those trees necessary to provide space to build shall be cut and removed from the premises.

(k) These restrictions shall inure to the benefit of the Grantees herein and their heirs and assigns and shall apply to all lots sold by Robert L. Blanchard and Eunice W. Blanchard with the area described on said plan, being lots numbered 7 through 18 thereon.

The Premises are known as Gillis Hill Road, Bennington Tax Map 19, Lot 16.

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The Premises are conveyed subject to any easements, liens, restrictions, or encumbrances of record.

The Premises are not homestead property.

Any proposed sale of the Premises by the Grantee shall be subject to NH RSA 188-F:6, XIII-a.

The purpose of this deed is to confirm a portion of the wholesale transfer of real property from the State to the Grantee effectuated by NH RSA 188-F:1-a, the effective date of such transfer being August 19, 2011, pursuant to 2011 N.H. Laws 199:4.

This deed is confirmatory and is therefore excepted from the application of the real estate transfer tax pursuant to NH RSA 78-B:2, V.

Dated this ____ day of _____ 2024.

STATE OF NEW HAMPSHIRE
By and through its
DEPARTMENT OF ADMINISTRATIVE SERVICES

By: _____
Charles M. Arlinghaus, Commissioner
Duly Authorized

STATE OF NEW HAMPSHIRE
COUNTY OF MERRIMACK

On this _____ day of _____ 2024, personally appeared the above-named Charles M. Arlinghaus, known to me (or satisfactorily proven) to be the person whose name is subscribed to the foregoing instrument, and acknowledged that he is the duly authorized Commissioner of the New Hampshire Department of Administrative Services and that he executed the foregoing instrument for the purposes therein contained.

_____
Notary Public/Justice of the Peace
Print Name: _____
My Commission Expires: _____

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