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THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION



32

William Cass, P.E.
Commissioner

David Rodrigue, P.E.
Assistant Commissioner

Andre Briere, Colonel, USAF (RET)
Deputy Commissioner

Her Excellency, Governor Kelly A. Ayotte
and the Honorable Council
State House
Concord, New Hampshire 03301

Bureau of Rail & Transit
December 20, 2024

REQUESTED ACTION

Pursuant to RSA 4:40 and 228:67, authorize the Department of Transportation to sell a 9,625 square foot (0.22 acre +/-) parcel of state-owned railroad property, located within the Berlin Branch Railroad Corridor in the Town of Littleton, to Brook Road Management, LLC for \$2,400, plus a one-time administrative fee of \$1,100, effective upon Governor and Executive Council approval.

It has been determined by the Division of Finance that this parcel was originally purchased with 80% Federal Funds and 20% General Funds. Sale income and the one-time administrative fee will be credited as follows:

04-096-096-960015-0000-UUU-402156	<u>FY 2025</u>
Administrative Fee	\$1,100
04-096-096-964010-2991-403532	<u>FY 2025</u>
Railroad Property Sale	\$480
(20% of \$2,400)	
04-096-096-963515-3054-401771	<u>FY 2025</u>
Consolidated Federal Aid	\$1,920
(80% of \$2,400)	

EXPLANATION

The Department received a request from the Brook Road Management, LLC to acquire the parcel of state-owned railroad property abutting its property. The subject property is adjacent to a small equipment and supply business, which uses its abutting parcel for material storage and parking. The acquisition of the property will, in part, allow additional storage, but will primarily allow vegetation management of trees and brush on the parcel by Brooks Road Management. Access to the subject property will be from an adjacent Town of Littleton street or directly from the purchaser's current adjacent property.

The subject property is ancillary to the state-owned Berlin Branch Railroad Corridor, which is currently used as a recreational rail trail (Ammonoosuc Recreational Rail Trail) and managed by the Department of Natural and Cultural Resources (DNCR) Trails Bureau. The property was used by previous owners to access a railroad sidetrack that was removed previously. After consultation with DNCR it was mutually confirmed that the sale of the subject property to the Brook Road Management, LLC will not impact the current recreational rail trail use or potential future transportation uses of the corridor, including conceptual railroad restoration.

RSA 228:67 allows the Department to sell portions of a railroad corridor no longer needed by the State to political subdivisions of the State for public uses and the Commissioner may sell them in accordance with RSA 4:40. The Town of Littleton expressed no interest in the subject property; therefore, the Department proposes to sell to Brook Road Management, LLC.

The Long Range Capital Planning and Utilization Committee (LRPC) approved the sale on June 10, 2024 (LRPC 24-019) for \$2,400 with a \$1,100 administrative fee.

Authorization is requested to sell the parcel of land to an abutter as described above.

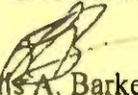
Sincerely,



William J. Cass, P.E.
Commissioner

Attachments

STATE OF NEW HAMPSHIRE
INTER-DEPARTMENT COMMUNICATION

From: 
Louis A. Barker
Railroad Planner

Date: May 6, 2024

AT: Dept. of Transportation
Bureau of Rail and Transit

Thru: Stephen LaBonte 
Administrator, Bureau of Right-of-Way

Subject: State-owned Berlin Branch Railroad Corridor, Littleton
Proposed Sale of State-owned Railroad (RSA 4:40, RSA 228:67)

To: Rep. Mark McConkey, Chairman
Long Range Capital Planning and Utilization Committee

REQUESTED ACTION

The Department of Transportation, pursuant to the provisions of RSA 4:40 and RSA 228:67, requests authorization to sell Brook Road Management, LLC approximately 9,625 square feet (0.22) acres on the state-owned Berlin Branch Railroad Corridor in the Town of Littleton. The recommended sale price for the property is \$2,400 and would have a one-time administrative fee of \$1,100. The Department is already in receipt of \$500 of the \$1,100 administrative fee.

EXPLANATION

The Brook Road Management, LLC an abutter of the Berlin Branch Railroad Corridor in Littleton and has requested to purchase approximately 9,625 square feet (0.22 acres) of railroad property in the Town of Littleton owned by the State and under the jurisdiction of the Bureau of Rail & Transit. The proposed dimensions are approximately 275' length x 35' width average width and the property is located to the side of the corridor. Access to the subject property will be from Brook Road, an adjacent Town of Littleton street, or directly from the purchaser's current adjacent property. Enclosed is a copy of a plan and a map that shows the location.

The subject property is considered ancillary to the railroad corridor and will not interfere with current recreational use on this inactive railroad corridor. The integrity of the corridor has been maintained to allow for future transportation use, including conceptual railroad restoration on this corridor.

A staff appraiser from the Department completed an opinion of value (attached) utilizing the subject parcel's contributory value.

Sales in the Grafton County area were researched and analyzed to derive an indication of value for the subject property. The Department appraiser determined a sale value of \$2,400. The Department will assess a \$1,100 administrative fee of which it is in receipt of \$500.

Authorization is requested to sell the subject parcel to the Brook Road Management, LLC, as outlined above.

Attachments:

Topo, dated 5/22/2023

Aerial, dated 5/22/2023

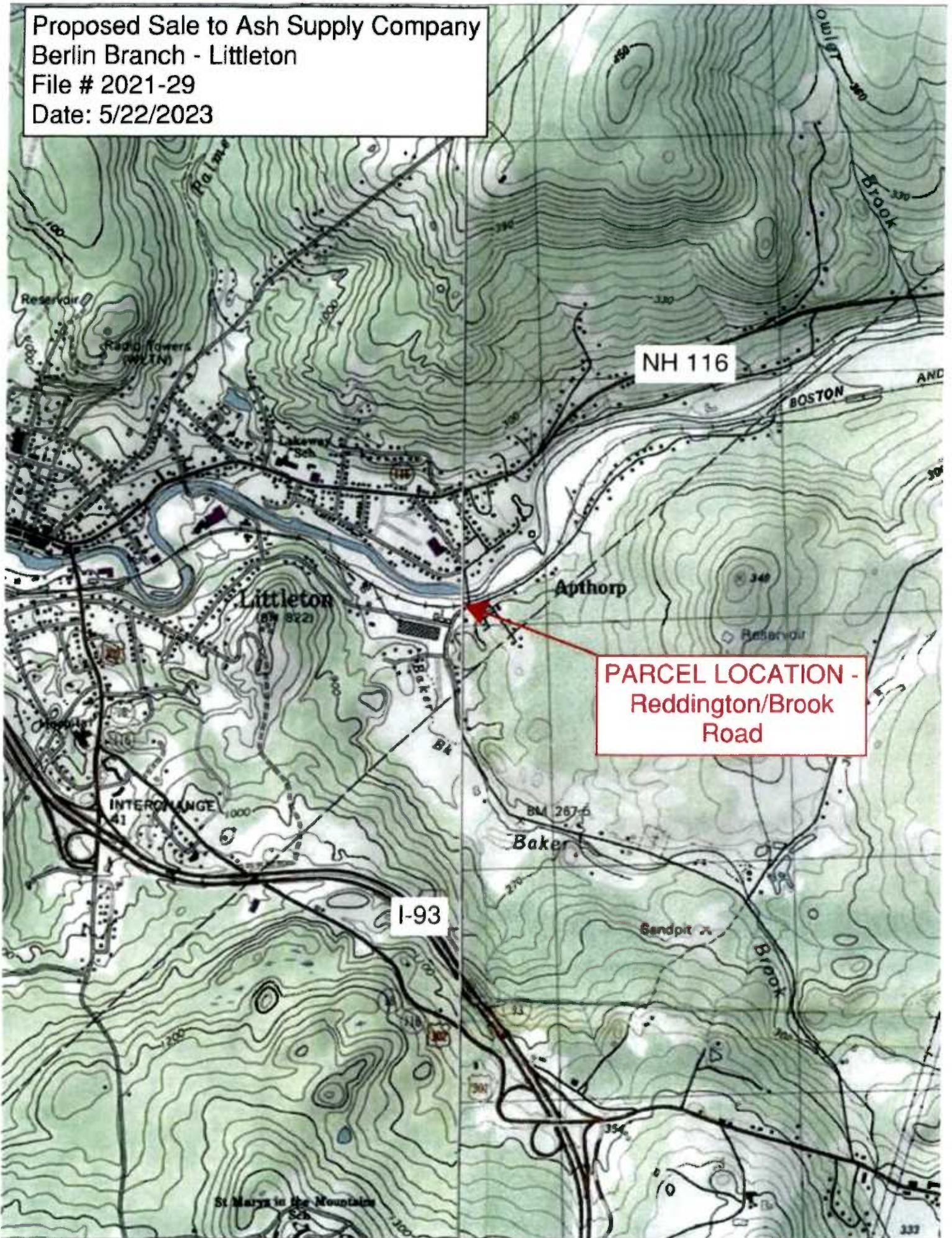
Tax Map Location, dated 5/22/2023

Valuation Section 22, Sheet 22 Parcel Location, dated 5/22/2023

Concept Plan, dated 5/22/2023

Summary of Contributory Value, dated 11/28/2023

Proposed Sale to Ash Supply Company
Berlin Branch - Littleton
File # 2021-29
Date: 5/22/2023



State-owned Berlin Branch Railroad Corridor

Littleton, NH: ASH Supply - Request to Purchase Property

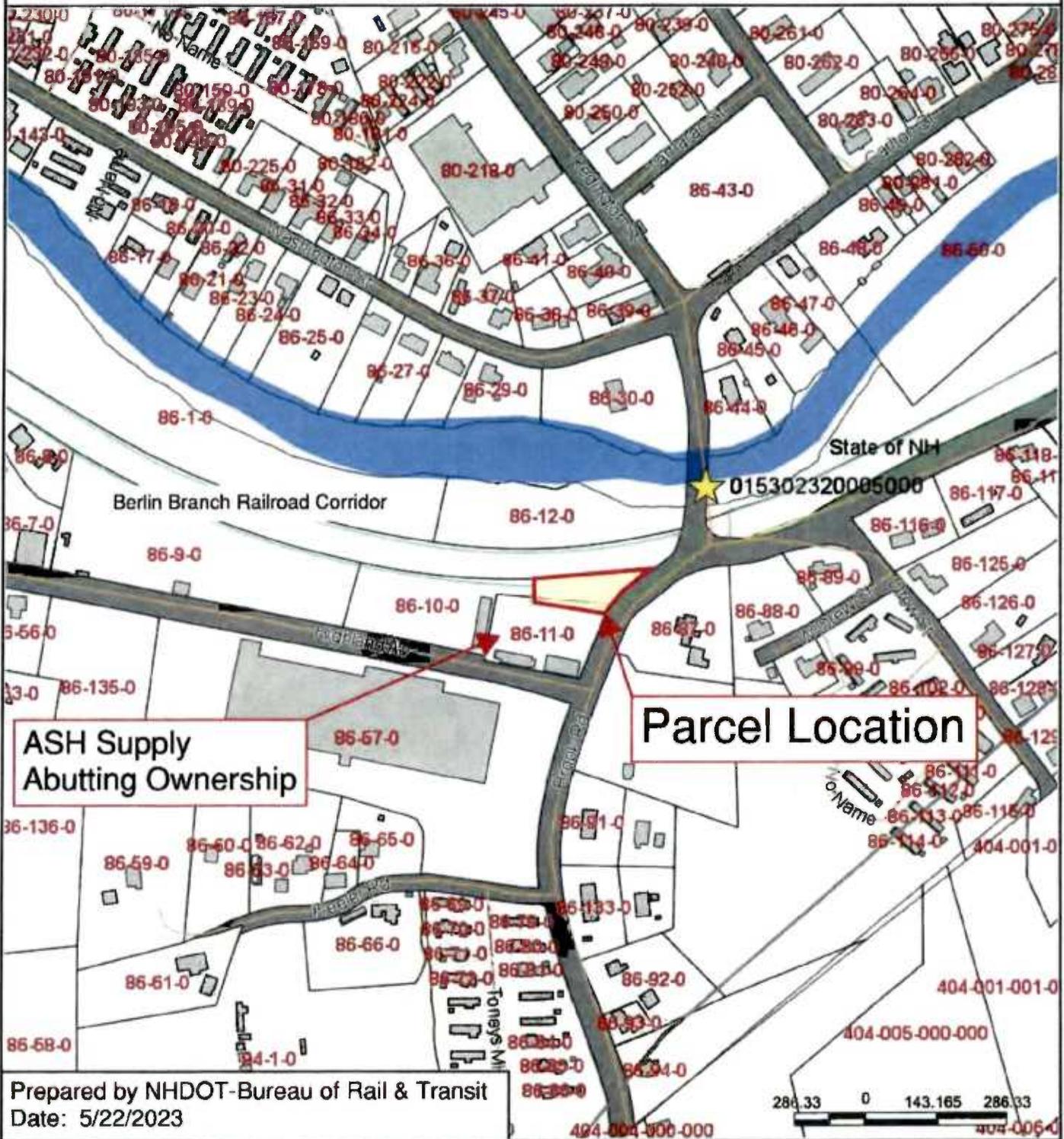
Legend

Littleton 063-681B

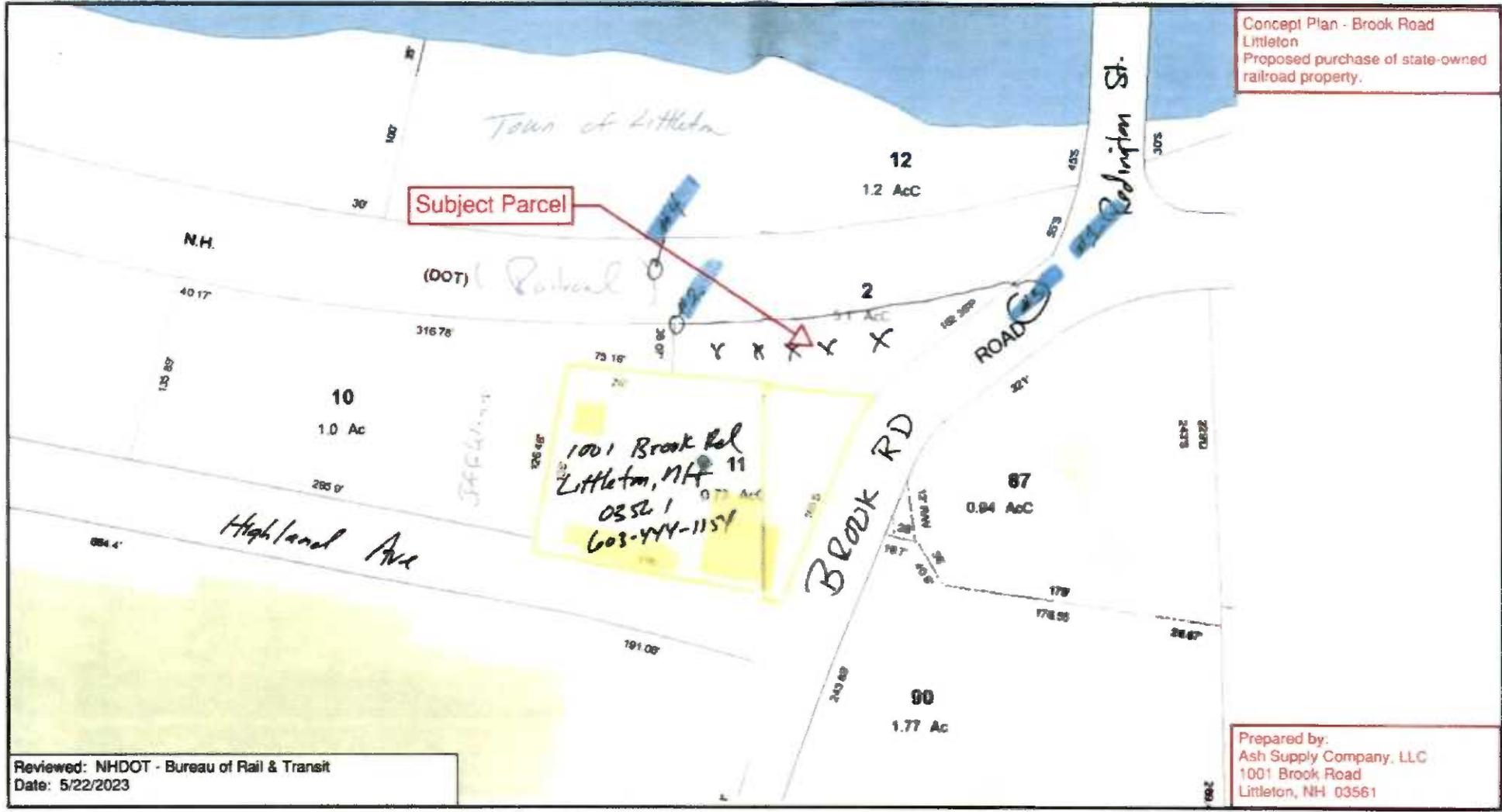


STATE OF NEW HAMPSHIRE
DEPARTMENT OF REVENUE 2021-29 Ash Supply Request
ADMINISTRATION

MOSAIC PARCEL
MAP SHARING
POOL



This map was compiled using data believed to be accurate; however, a degree of error is inherent in all maps. This map was distributed "AS-IS" without warranties of any kind, either expressed or implied, including but not limited to warranties of suitability to a particular purpose or use. No attempt has been made in either the design or production of the maps to define the limits or jurisdiction of any federal, state, or local government. Detailed on-the-ground surveys and historical analyses of sites may differ from the maps.



Concept Plan - Brook Road
Littleton
Proposed purchase of state-owned
railroad property.

Subject Parcel

1001 Brook Rd
Littleton, NH 03561
0352 1
603-444-1151

Prepared by:
Ash Supply Company, LLC
1001 Brook Road
Littleton, NH 03561

Reviewed: NHDOT - Bureau of Rail & Transit
Date: 5/22/2023

Surplus Property Appraisal Report

Location/Address: Brook Road, Littleton, NH

Effective Date: October 12, 2023

Date of Report: November 28, 2023

Appraiser: Scot D. Heath, NHCg-211

Contributory Market Value: \$6,000

About This Appraisal

The Client for this appraisal is the New Hampshire Department of Transportation (NHDOT). Intended users of this appraisal report include the client's agents and officials, and members of the Long-Range Capital Planning and Utilization Committee. I have not prepared this appraisal report for any other use, nor do I intend any other users to be able to rely on it. The intended use of this appraisal is to support the Client in making informed decisions regarding negotiations for a potential sale of the subject property to an abutting property owner, Brook Road Management, LLC. The purpose of the analysis is to develop an opinion of contributory value of the fee simple interest in the subject property to said abutter.

In this case, the subject property does not have an independent highest and best use due to its size, shape, and lack of access. Per the New Hampshire Department of Transportation, Right of Way Manual¹, I have therefore appraised the subject's contributory value².

This appraisal has been based on a number of presumptions and conditions outlined at the end of this report. A hypothetical condition has also been applied to the analysis and is a condition, directly related to a specific assignment, which is contrary to what is known by the appraiser to exist but is used for the purpose of analysis. This report is subject to the hypothetical condition that the subject parcel has been assembled with the abutting property in the 'As-Assembled' analysis and valuation. An extraordinary assumption has also been applied to the analysis and is an assignment specific assumption as of the effective date of this report regarding uncertain information used in an analysis which, if found to be false, could alter the appraiser's opinions or conclusions. This report is subject to the extraordinary assumption that the subject is clean and free of contamination. If any contamination is found on the subject, this report becomes null and void. The hypothetical condition and extraordinary assumptions used may have affected the results of this appraisal.

Conditions of Sale

As a condition of this sale, the Grantees will be required to solicit a NH Licensed Land Surveyor, to survey and prepare a Right of Way Adjustment plan, to be submitted to the Department for review and approval. Upon approval by the Department, the Grantee will be required to record the plan in the Grafton County Registry of Deeds, from which the Department will prepare the conveyance deed;

And, an Administrative Fee of \$1,100 is to be paid by the Grantee.

¹ The relevant portion of the Right of Way Manual reads, "remnant parcels that, because of size, shape or access, do not have an independent value will be appraised as to their contributory value to abutting parcels."

² Contributory Value is "1. A type of value that reflects the amount a property or component of a property contributes to the value of another asset or to the property as a whole. 2. The change in the value of a property as a whole, whether positive or negative, resulting from the addition or deletion of a property component. Also called *deprival value* in some countries." - The Dictionary of Real Estate Appraisal, 6th edition, the Appraisal Institute.

About the Subject

The subject property is a generally long and narrow, somewhat triangular shaped area of a larger parcel, being a portion of the inactive state-owned Berlin Branch Railroad Corridor. The corridor is utilized as a recreational "Rail-Trail" in the region. This portion of the corridor encompasses approximately 5.10± acres according to municipal assessment records (Tax Map 86, Lot 2). The subject property varies in width with an average of approximately 35± feet and is approximately 275± feet in length. Accordingly, the size of the subject will be approximately 9,625± square feet, or 0.22± acres (rounded). It will be acquired by lot line adjustment/annexation to the abutting 0.73± acre (31,799± square feet) property owned by Brook Road Management, LLC. The remainder property will continue to include the full width of the rail corridor. In other words, the proposed acquisition will not adversely affect the continued recreational use of the subject remainder. The larger parcel (subject property) is identified by the town as Tax Map 86, Lot 2. The railroad corridor consists of several independently identified and assessed sections in Littleton. The abutting property is identified as Tax Map 86, Lot 11. The larger parcel was acquired by the State of New Hampshire on March 30, 1999 by Quitclaim Deed from New Hampshire and Vermont Railroad Company, Inc. Consideration paid was not disclosed. This conveyance was recorded within the Grafton County Registry of Deeds on May 14, 1999, Book 2392, Page 731. The Boston and Maine Corporation, via a Release Deed, conveyed the property to New Hampshire and Vermont Railroad Company on May 27, 1992, recorded Book 1969, Page 943. Reported consideration was \$1,500,000. Both conveyances included the Berlin Branch and the Groveton Branch railroad corridors.

Description of Subject Property

The subject is a part of a larger parcel of 5.10± acres and a portion of the so-called Berlin Branch railroad. Long inactive as a railroad, the property is now used as a regional recreational rail-trail. The property is actually adjacent to the traveled portion of the larger parcel. This portion of the larger parcel includes approximately 162± feet of frontage along the northwest side of Brook Road. The common boundary with the abutting property is approximately 162± feet long. The topography is generally level to lightly sloping. An average width of approximately 35 feet with an average length of approximately 275 feet results in land area of approximately 9,625± square feet, or 0.22± acres. According to the USDA Natural Resources Conservation Service (NRCS Web Soil Survey, soil conditions associated with the property include types 22A, 22E, and 255D. Types 22A and 22E are both Colton gravelly sandy loam, with 0% to 3% slopes ("A") and 15% to 60% slopes ("E"). This soil is said to be excessively drained and with rapid permeability. Depth to bedrock and the seasonal high-water table both typically exceed 60 inches. Type 255D is Monadnock and Hermon, very stony, with slopes between 15% and 25%. This soil is said to be very deep and well drained to somewhat excessively drained, and with rapid permeability. Depth to bedrock and the seasonal high-water table both typically exceed 60 inches. While the map indicates type 22E is predominant, observed slopes during the site inspection appear to be perhaps 3% to 15%. The steep slopes appear to be on the north side of rail corridor, down to the river. According to FEMA Flood Insurance Rate Map, Panel No. 33009C0136E with an effective date of February 20, 2008, the property is located entirely within an area identified as Zone X, being an area of minimal flood hazard. The property is a combination of open lawn area maintained by the interested abutter and wooded area adjacent to the traveled rail corridor and the property boundary common with the abutter. The larger parcel is primarily an open corridor/trail, with drainage swales and wooded, brushy areas along the sides. The remainder of the larger parcel will be retained by NHDOT.

Description of Abutting Property

The abutting property as owned by Brook Road Management, LLC is a 0.73± acre (31,799± square feet) parcel improved with a circa 1930 specialty commercial building with a circa 2018 addition. Gross building area (GBA) measures approximately 3,556± square feet. Additional detached improvements include a 1,320± square foot garage, 576± square foot garage, 204± square foot shed, and box trailer (storage). There is one vehicle lift. Site improvements include 5,000± square feet of asphalt paved parking and typical landscaping. From a distance, the improvements appear to receive regular maintenance and are believed to be in good condition. Quality of construction is presumed average. The underlying land is a corner lot with approximately 165.50± feet of frontage on Brook Road and approximately 198± feet of frontage on Highland Avenue. To the immediate northeast Brook Road intersects with Reddington Street at the bridge over the Ammonoosuc River. Reddington street then continued in an overall northwest/southeast direction to its intersection with Union Street (NH Route 116). Frontage along the railroad corridor measures approximately 162± feet. The topography

Tax Map 86, Lot 2

Brook Road, Littleton, NH

Contributory Value Surplus Appraisal, File 23-102

overall is generally level to lightly sloping, while soil conditions associated with the property include types 22A and 255D. Type 22A is Colton gravelly sandy loam, with 0% to 3% slopes; and is said to be excessively drained and with rapid permeability. Depth to bedrock and the seasonal high-water table both typically exceed 60 inches. Type 255D is Monadnock and Hermon, very stony, with slopes between 15% and 25%. This soil is said to be very deep and well drained to somewhat excessively drained, and with rapid permeability. Depth to bedrock and the seasonal high-water table both typically exceed 60 inches. According to FEMA Flood Insurance Rate Map, Panel Nos. 33009C0117E and 33009C0136E, both with an effective date of February 20, 2008, the property is located entirely within an area identified as Zone X, being an area of minimal flood hazard. Overhead electricity, telephone, cable television/internet lines, and public water and sewer utilities are all in place along the streets and have been extended to the improvements.

An inspection of the improvements (buildings), either interior or exterior, was not conducted. For the purpose of this appraisal the improvements will receive no further discussion or consideration as they are irrelevant to the appraisal problem:

Brook Road Management, LLC acquired the property by Warranty Deed dated February 8, 2005 from Robert H. and Irene D. Copenhaver, and the Wayne B. Ruggles and Dorothea L. Ruggles Living Trust; Wayne B. Ruggles and Dorothea L. Ruggles, Trustees. The conveyance was recorded within the Grafton County Registry of Deeds April 22, 2010, Book 3694, Page 445. Reported consideration was \$135,500.

Description of Subject and Abutting Property as Assembled

Assembling the subject property with the abutting property provides the abutting property with additional area usable for outside display of products for sale, possible additional parking, and ownership of area they are already maintaining. The acquisition as proposed will result in land area of approximately 0.95± acres (41,424± square feet). Frontage along Brook Road would increase by approximately 162.00± feet. No other aspects of the property will change as a result of the assemblage. As previously mentioned, the existing improvements are not affected by the proposed acquisition. Also, it does not appear the remainder parcel would be adversely affected by the proposed acquisition.

Westerly view of boundary location; subject property to the right, abutting property to the left.



All photographs taken by Scot D. Heath, October 12, 2023

Tax Map 86, Lot 2
Brook Road, Littleton, NH

Contributory Value Surplus Appraisal, File 23-102

Reconciliation – Abutting Property As if vacant land, “Before” Assemblage

The analyses result in an adjusted range of value of \$121,038 per lot to \$124,836 per lot, with a statistical mean of \$122,496 per lot and a median of \$121,613 per lot. This represents a range of approximately 3.04% from high to low, which is considered very good. All three sales are commercially zoned building lots within locations similar to the abutting property. Sale 1 is the most recent sale utilized, although Sale nos. 2 and 3 are also recent. All three sales required few adjustments and resulted in minimal net adjustments. In fact, Sale nos. 2 and 3 each resulted in a net adjustment of zero. No single sale is considered to represent a superior indicator of market value. In conclusion, equal emphasis has been given to all three. This appraisal “before” the proposed assemblage is concluded at **\$122,000**.

“As Assembled” (“After”) Analysis

In the hypothetical “As-Assembled” situation, the 9,625± square foot (0.22± acres) subject property is combined with the abutting property to result in a 0.95± acre (41,474± square feet) property, to be valued as-if vacant land. The as assembled site retains the same Highest and Best Use outlined in the “As-Is”, or “before” assemblage, situation. The only variation requiring re-examination is *Size/Economies of Scale Estimated Usable Area (Square Feet)*. The additional land area results in re-adjustments to all three sales. Sale 1 is now sufficiently similar to the abutting property as to not require an adjustment. Sale 2 is now adjusted upward by 5% to address being smaller. Sale 3 is now adjusted upward by 10% to address being significantly smaller.

The comparable sales utilized, and the noted adjustments appear in the following table.

Tax Map 86, Lot 2
 Brook Road, Littleton, NH
 Contributory Value Surplus Appraisal, File 23-102

Comparable Sales Grid--After Assemblage							
Item	Subject Property	Comparable Sale 1		Comparable Sale 2		Comparable Sale 3	
Location	Brook Road, Littleton, NH	Tower Road, Campton, NH		US Route 3, Lincoln, NH		US Route 3, Lincoln, NH	
Sales Price			\$125,000		\$115,000		\$115,000
Cost After Purchase	None	Similar	0	Similar	0	Similar	0
Data Source	Inspection	Public Records, MLS		Public Records, MLS		Public Records, MLS	
Rights Appraised	Fee Simple	Fee Simple	0	Fee Simple	0	Fee Simple	0
Financing and Buyer/Seller Motivation	n/a	Arms length	0	Arms length	0	Arms Length	0
Conditions of Sale	n/a	Typical	0	Typical	0	Typical	0
Date of Sale & Market Conditions Adj.	10/12/2023	Description	Adjustment	Description	Adjustment	Description	Adjustment
		1/25/2022	5.125%	1/18/2022	5.25%	11/19/2021	5.75%
Adjusted Base Sales Price/Lot			\$131,406		\$121,038		\$121,613
Total Area (Acres)	0.95±	1.04±	0	1.09±	0	0.35±	0
Est. Usable Area (Acres)	0.95± (100%)	0.936± (90%)	0	0.8175± (75%)	0	0.35± (100%)	0
Est. Usable Area (Sq. Ft.)	41,474±	40,772±	0	35,610±	5%	15,248±	10%
Location	Average	Sl Superior	-5%	Sl Superior	-5%	Sl Superior	-5%
Zoning	Commercial 1	Commercial	0	General Use	0	General Use	0
Exposure/Visibility	Below average	Sl Superior	-5%	Sl Superior	-5%	Sl Superior	-5%
Access/Frontage	Adequate/363.5±	Adequate/203.86±	0	Adequate/177.28±	0	Adequate/80.93±	0
Physical Characteristics	Good	Sl Inferior	5%	Inferior	10%	Similar	0
Utilities	Municipal water and sewer	Muni water, on-site septic system req.	5%	Municipal water and sewer	0	Muni water, on-site septic system req.	-5%
Net Adj. (Total)			0%		5%		-5%
Indicated Value:			\$131,406		\$127,090		\$127,694
Value/Usable Sq. Ft.:			\$3.22		\$3.57		\$8.38

Mean: \$128,730

Median: \$127,694

Call: \$128,000

Reconciliation - Abutting Property As if vacant land, "After" Assemblage

The analyses result in an adjusted range of value of \$127,090 per lot to \$131,406 per lot, with a statistical mean of \$128,730 per lot and a median of \$127,697 per lot. This represents a range of approximately 3.28% from high to low, which is considered very good. All three sales are commercially zoned building lots within locations similar to the abutting property. Sale 1 is the most recent sale utilized, although Sale nos. 2 and 3 are also recent. All three sales required few adjustments and resulted in minimal net adjustments. Sale 1 resulted in a net adjustment of zero. No single sale is considered to represent a superior indicator of market value. In conclusion, equal emphasis has been given to all three. This appraisal "after" the proposed assemblage is concluded at \$128,000.

Conclusion and Final Value Opinion

Subtracting the value opinion for the 'As-Is' condition from the 'As Assembled' condition is calculated as follows:

'As Assembled' valuation	\$128,000
'As-Is' valuation	<u>\$122,000</u>
	\$ 6,000

Based on the foregoing, my opinion of the contributory market value of the subject property as of October 12, 2023, is as follows...

\$6,000

There are extraordinary surveying costs associated with the assemblage that are to be deducted due to the conditions of the sale required by NHDOT. NHDOT has stated that the new parcel boundary shall be established by a Right of Way Adjustment survey performed by a New Hampshire licensed land surveyor to be paid for by the purchaser. The estimated cost of a Right of Way Adjustment survey is approximately \$2,500 for the subject area and abutting parcel.

The appraiser has also been instructed to consider the Administrative Fee of \$1,100 required by the State as an extraordinary cost not typical of this type of transaction and deduct it from the estimated contributory value.

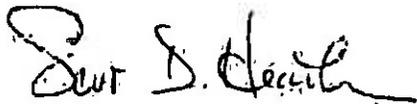
Estimated Contributory Value	\$6,000
Less: Right of Way Adjustment Survey Estimate	-\$2,500
Administrative Fee	-\$1,100
Net Contributory Value Estimate	\$2,400
Contributory Value Estimate/Rounded \$100	\$2,400

Net Contributory Value: \$2,400

Appraisal Certification

I certify that to the best of my knowledge and belief:

- The statements of fact contained in this report are true and correct.
- The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions and are my personal, impartial, and unbiased professional analyses, opinions, and conclusions.
- I have not revealed the findings and results of this appraisal to anyone other than the proper officials of the Department of Transportation of the State of New Hampshire and I will not do so until so authorized by State officials, or until I am either required to do so by due process of law or until I am released of this obligation by having publicly testified as to such findings.
- I have no present or prospective interest in the property that is the subject of this report and no personal interest with respect to the parties involved.
- I have not appraised nor performed any services for the subject property in the past three years.
- I have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.
- My engagement in this assignment was not contingent upon developing or reporting predetermined results.
- My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
- My analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice.
- I have personally inspected the subject property and the comparable sales utilized.
- No one provided significant real property appraisal assistance to me.



Scot D. Heath, NHCg-211