New Hampshire DOT
Department of Transportation

William Cass, P.E.
Commissioner

THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION

26

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 and Transit
January 13, 2025

REQUESTED ACTION

Authorize the Department of Transportation, pursuant to RSA 4:40 and 228:57, to grant an easement to the City of Laconia for road and drainage access on approximately 52,500 square feet (1.20 acres) of railroad property located on the state-owned Concord-Lincoln Railroad Corridor, in the City of Laconia. The Department proposes to convey the easement to the City of Laconia for no-cost with a one-time administrative fee of $1,100, effective upon Governor and Executive Council approval.

The one-time administrative fee will be credited as follows:

	FY 2025
04-096-096-960015-0000-UUU-402156 Administrative Fee	$1,100

EXPLANATION

Paugus Park Road, subject of the proposed easement, is located parallel to the active railroad tracks in the state-owned Concord-Lincoln Railroad Corridor (the Corridor). The Paugus Park Road designation as a Class V (local) road precedes the State's acquisition of the Corridor in 1975. The City of Laconia (the City) currently maintains this roadway and drainage facilities that are partially within and abut the Corridor. These municipal drainage facilities also incorporate certain components of the railroad drainage and the City has and, an in accordance with the proposed easement, will continue to maintain the drainage facilities along Paugus Park Road, which is a significant benefit to the State. Accordingly, the Department proposes a no-cost easement to accommodate existing municipal drainage facilities and allow continued municipal maintenance of drainage from the roadway and Corridor along Paugus Park Road.

A significant weather event resulted in erosion damage to property between Paugus Park Road and Paugus Bay in proximity to the Corridor. The Department's Bureau of Rail & Transit staff met with the City of Laconia's Department of Public Works (City DPW) to identify possible sources of the storm flow and develop steps to prevent recurrence. Although sources of these storm flows that resulted in property damage adjacent to Paugus Park Road originated above both the city street and the Corridor, the City proposed maintenance of and improvements to drainage facilities that would include components encroaching on the Corridor. Bureau of Rail & Transit staff and the City of Laconia concurred that to

facilitate long-term maintenance by the City DPW an easement along the east side of the Corridor, incorporating Paugus Park Road, would be in the best interest of both parties.

The proposed easement runs along the east side of the Corridor, from approximately Mile Post (MP) C30.00 (278 Paugus Park Rd), as shown on Valuation Section 21 Sheet 66, Station 1579+17, north to MP C30.64 (16 Paugus Park Rd), as shown on Val -Map V21 Sheet 67, Station 1612+96, for a total of 3,379 ft, and varies in proposed width from 13-18ft. Plans describing the layout of the proposed easement are attached. The total proposed easement area is approximately 52,500 square feet (1.20 acres).

This easement shall be reviewed and approved by the Office of the Attorney General for form and execution. Copies of the fully executed easement will be provided to the Secretary of State's Office and the Department of Administrative Services.

Subsequent to the Governor and Council approval, a recorded copy of the Easement will be on file with the Department of Transportation.

The Council of Resources and Development approved granting this easement, 21 SLR 003 (Laconia) at its July 8, 2021 meeting.

The Long Range Planning and Utilization Committee approved the lease on June 10, 2024, item number LRCP 24-018.

Your approval of this easement is respectfully requested.

Sincerely,

William J. Cass, P.E.
Commissioner

Attachments

EASEMENT DEED

KNOW ALL MEN BY THESE PRESENTS

KNOWN ALL MEN BY THESE PRESENTS, THAT, The State of New Hampshire, whose mailing address is the Department of Transportation, PO Box 483, 7 Hazen Drive, Concord, NH 03302-0483, by the Commissioner of the Department of Transportation, pursuant to RSA 4:40 and RSA 228:67, for consideration paid, grants to City of Laconia, whose mailing address is 45 Beacon Street East, Laconia, NH, 06901, said Grantee, an easement for public road and drainage improvements through the State of New Hampshire-owned Concord-Lincoln railroad corridor, in the City of Laconia, County of Belknap, State of New Hampshire. This easement shall include the right of access and the right to use, maintain, repair and reconstruct public road and drainage improvements within the easement area bounded and described as follows:

A permanent right of way and drainage easement across the land of the State of New Hampshire, Concord-Lincoln Railroad Corridor, in the City of Laconia, County of Belknap, State of New Hampshire, and Identified as an "Paugus Park Road", as shown on the Railroad Valuation Plan titled "RIGHT-OF-WAY AND TRACK MAP, Concord & Montreal R.R.", Section V21, Sheet 66, dated June 30, 1914, on file in the records of the Department of Transportation, Bureau of Rail and Transit, and further described as follows:

Beginning at a point in Paugus Road, City of Laconia 28 feet east of approximate Mile Post 30.00, Engineering Station 1579+17 of the State of New Hampshire-owned Concord-Lincoln Railroad Corridor; thence northerly parallel to center line approximately 3379 feet to a point at approximate Mile Post C30.64 Engineering Station 1612+96 of the state-owned Concord-Lincoln Railroad Corridor; thence westerly to a point 12 feet east of center line to a point at approximate Mile Post C30.64 Engineering Station 1612+96; thence southerly on a line 12 feet east of center line to a point at approximate Mile Post C30.00 Engineering Station 1579+17 of the state-owned Concord-Lincoln Railroad Corridor, thence to the point of beginning and containing approximately fifty-two thousand square feet (52,000) square feet, more or less.

Meaning and intending to convey an easement on a portion of that Concord-Lincoln Railroad Corridor obtained by the State of New Hampshire from the Boston & Maine Railroad Company and recorded in the Belknap Registry of Deeds on February 29, 1980, in Book 786 Pages 69-80.

The above-mentioned easement is subject to and conditioned upon the performance by the Grantee, its successors and assigns that these conditions and restrictions listed below are covenants running with the land.

1. The easement hereby granted by the Grantor shall be effective upon approval by the Governor and Executive Council.

2. The Grantee shall pay the Grantor an amount based upon the market value of such easement within thirty (30) days after the approval date by the Governor and Executive Council. following amounts:

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	Amount
Sale	$ 0.00
Administrative Fee	$ 1,100.00

3. Where applicable, in accordance with RSA 72:23, I(b), this Agreement is made between parties subject to the condition that the Permittee shall pay all properly assessed current and potential real and personal property taxes. Failure of the Permittee to pay the duly assessed real and personal property taxes when due shall be cause to terminate this Agreement by the State. In accordance with the requirements of RSA 72:23,I(b), the Permittee shall be obligated to pay any taxes which may be assessed on structures or improvements added. See New England Telephone And Telegraph Company v. City of Rochester, 740 A.2d 135 (N.H. 1999); Opinion of the Justices (Municipal Tax Exemptions For Electric Utility Personal Property), 746 A.2d 981 (N.H. 1999); Opinion of the Justices (Property Taxation of Telephone Poles), 142 N.H. 102 (1997); New England Telephone And Telegraph Company v. City of Franklin, 141 N.H. 449 (1996).

4. The Grantee agrees that all construction, use, maintenance, repair and reconstruction within the easement shall be performed at a time and under conditions acceptable to the Grantor.

5. The Grantee agrees that it is liable for the cost of all construction, use, maintenance, repair and reconstruction of road and City drainage facilities within the easement. Such liability shall include but not limited to the cost of all on-site inspectors or other representatives of the Grantor. The cost for representatives of the State is in accordance with the attached NHDOT Railroad Rate Schedule, which is updated annually, and for which actual costs will be based on the annual rates in effect when work occurs. If representatives other than the State are used, the methodology will be the same, but the rates will be at the in-effect rates of the third-party and as approved by the State.

6. The Grantee agrees to pay for and obtain before construction, maintenance, repair or reconstruction may begin within the easement any and all other permissions, permits and licenses required by Federal, State, county or local governments, their agencies or boards, or any public subdivision thereof.

7. The Grantee shall coordinate any and all work within the right-of-way with the New Hampshire Department of Transportation's Bureau of Rail & Transit by contacting Bureau personnel at 603-271-2468 and Plymouth & Lincoln Railroad personnel at 912-536-7442 and giving them advanced notice of the work to be performed within the easement area so that Bureau and Railroad personnel can schedule potential railroad operations around the Grantee's work.

8. The Grantee shall defend, indemnify and hold harmless the State, its officers, agents and employees, from and against all losses suffered by the State, its officers, agents and employees, and any and all claims, liabilities or penalties asserted against the State, its officers, agents and employees, by or on behalf of any person on account of, based or resulting from, arising out of (or which may be claimed to arise out of) the acts or omissions of the Grantee or from the use, maintenance, installation, removal or existence of this facility (the facility meaning the water line and any associated work or appurtenances made thereon), notwithstanding the foregoing, nothing herein contained shall be deemed to constitute a waiver of sovereign immunity of the State, which immunity is hereby reserved to the State. This covenant shall

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survive the termination of this Easement. The Grantee further agrees that its contractors shall obtain and keep in force during construction, maintenance, repair and reconstruction within the easement, and to pay the premiums on a policy or policies of insurance covering the following said easement, designating the State of New Hampshire and the Plymouth & Lincoln Railroad, their successors or assigns, as additional insureds.

Commercial General Liability:
$1,000,000.00 each occurrence/$2,000,000.00 in the aggregate

Worker's Compensation Insurance in the amount as required by current State Statute

Procurement and delivery to the State of a certificate indicating such insurance acceptable to the Grantor is a condition precedent to the effectiveness of this easement. Nothing contained herein shall be construed as a waiver of sovereign immunity.

After satisfactory construction, maintenance, repair or reconstruction of this easement, the Grantee further agrees to pay for and obtain and keep in force for the life of the easement, a policy or policies of insurance covering said easement, designating the State of New Hampshire ***and the Plymouth & Lincoln Railroad, their successors or assigns, as additional named insureds.***

Commercial General Liability:
$1,000,000.00 each occurrence/$2,000,000.00 in the aggregate

9. The Grantee agrees to protect existing drainage facilities located on the Grantor's property and agrees to repair or replace as necessary any drainage as a result of the easement herein conveyed. The Grantee also agrees that where the track structure areas are disturbed by the construction, use, maintenance, repair or reconstruction within the easement those areas shall be reshaped to drain freely to the Grantor's satisfaction and, in addition, areas within the easement area but outside the track structure shall be loamed and seeded in accordance with acceptable erosion control practices. The Grantor shall be the sole determining entity in regard to the grading and reshaping areas.

10. Notwithstanding this easement, the Grantor retains all ownership rights, including the right-of-way, and such track or right-of-way as may hereinafter be constructed, operated or utilized by the Grantor or by its lessees or assigns. In the event of track repairs or additional track installations require an appropriate modification to aforesaid facility or another facility, if necessary, shall be constructed and maintained within the easement area by the Grantee to allow the use and maintenance of the above-mentioned easement.

11. The Grantee shall be considered in default of this easement if the Grantee fails to perform any covenant of this agreement. Upon the occurrence of default, the Grantor shall give the Grantee written notice specifying the Event of Default and a reasonable time frame when the Grantee must remedy the Event of Default. In the absence of any specification of time, thirty (30) days from the date of notice shall be the time period. If the Event of Default is not timely remedied, the Grantee agrees to reimburse the Grantor any costs that are incurred to remedy the Grantee's acts or omissions that have resulted in the Event of Default. In addition, the Grantor may

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terminate the easement and/or treat the easement as breached and pursue any of its remedies at law or in equity or both.

TO HAVE AND TO HOLD said premises to the Grantee, its successors and assigns forever the use and purposes herein before described.

IN WITNESS WHEREOF, The STATE OF NEW HAMPSHIRE DEPARTMENT OF TRANSPORTATION has executed this easement for an electric transmission line by its duly authorized agent on this ___ day of _____, 20 ___ .

Signed Sealed and Delivered
in the presence of

_____

GRANTOR: STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION

_____
Commissioner

In the presence of:

_____

GRANTEE: _____

_____
Print Name and Title

THE STATE OF NEW HAMPSHIRE COUNTY OF _____

On this _____, day of _____, 20___, before me, _____ the undersigned officer, personally appeared _____ known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument and acknowledged that he has executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal

_____
NOTARY PUBLIC

The foregoing Agreement, having been reviewed by this office, is approved as to form and execution on _____, 20 ___.

OFFICE OF THE ATTORNEY GENERAL

By: _____
Assistant Attorney General

Approved by New Hampshire Council on Resources and Development on July 8, 2021.
Approved by Long Range Capital Planning and Utilization Committee on June 10, 2024.
Approved by the Governor and Executive Council on _____ , 20 ___ , Item # _____ .

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Approved by the Long Range Capital Planning
and Utilization Committee June 10, 2024

LRCP 24-018

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 Concord-Lincoln Railroad Corridor
Proposed Easement, Paugus Park Road, City of Laconia
(*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 228:67, requests authorization to grant an easement on approximately 52,500 square feet (1.20 acres) of railroad property located on the state-owned Concord-Lincoln Railroad Corridor in Laconia. The proposed easement area has an appraised value of $5,400, but the Department proposes to convey the easement to the City of Laconia for $0.00 based on services previously realized and anticipated at the subject location. There will be a one-time administrative fee of $1,100 of which the Department is in receipt of $500.

EXPLANATION

The New Hampshire Department of Transportation, Bureau of Rail and Transit after consultation with the City of Laconia propose to grant an easement along the east side of the State-owned Concord-Lincoln Railroad Corridor (referred to herein as "the Corridor"), adjacent to and encompassing a portion of Paugus Park Road.

Paugus Park Road, the subject street, is located parallel to the state-owned Concord-Lincoln Railroad Line. The Paugus Park Road designation as a Class V (local) road precedes the State acquisition of the Corridor in 1975. The City currently maintains this roadway and drainage facilities that abut and are in part within the railroad corridor. These drainage facilities incorporate components of the railroad drainage and city maintenance of these facilities has been and continues to be a significant benefit to the State.

A significant weather event resulted in erosion damage to property between Paugus Park Road and Paugus Bay in proximity to the Corridor. Department Bureau of Rail & Transit staff met with the City of Laconia Department of Public Works (City DPW) to identify possible sources of the storm flow and steps to prevent recurrence. Although sources of these storm flows that resulted in property damage adjacent to Paugus Park Road originated above both the city street and the railroad the future City maintenance and improvements

to drainage facilities would include those components encroaching on the Corridor. the Bureau of Rail and Transit and the City of Laconia concurred to facilitate long-term maintenance by the City DPW an easement along the east side of the Corridor, incorporating Paugus Park Road would be in the best interest of both parties.

The proposed easement runs along the east side of the Corridor, from approximately Mile Post (MP) C30.00 (278 Paugus Park Rd), as shown on Valuation Section 21 Sheet 66, Station 1579+17, north to MP C30.64 (16 Paugus Park Rd), as shown on Val Map V21 Sheet 67, Station 1612+96, for a total of 3,379 ft, and varies in proposed width from 13-18ft. Plans describing the layout of the proposed easement are attached. The total proposed easement area is approximately 52,500 square feet (1.20 acres).

As a component of the Surplus Property process a staff appraiser from the Department completed an opinion of value on September 18, 2022, attached, suggested an estimated value of the subject easement at $5,400. This value was presented to the City of Laconia for their consideration. Subsequent discussion with the City DPW identified the following justifications and conditions illustrate City expenditures and limitations of the proposed easement that meet or exceed the appraised value:

1) At City expense of $19,711.70 the City DPW undertook clearing of brush, reestablishing drainage components fouled over time and as a result of the weather event (worksheet attached).

2) The City DPW currently maintains the road surface and roadway drainage that abuts and is within the railroad corridor. These drainage facilities include components of the railroad drainage and continued city maintenance of these facilities that is contemplated by the proposed easement is a significant benefit to the State.

3) The proposed easement will serve to establish and memorialize protocols for the City DPW to continue use, maintain, repair and improvements to Paugus Park Road within the Corridor under terms that protect, the State, the City and the public that utilize the street.

4) The City DPW will remove an encroaching unapproved structure (garden shed) erected by a property owner on Paugus Park Road, which is situated within the Corridor at approximately MP C30.02.

5) The parcel has historic designations and language that shall be included in the proposed easement formalizing that work will be undertaken only in locations of previously disturbed soils. In addition, in the event of proposed new drainage facilities, the grantee will be required to work with the State Division of Historical Resources to address phase 1A/1B archeological surveys. A copy of the Request for Project Review (RPR) is attached for reference.

6) The Bureau will be proposing reversionary language if railroad operations require the area; this will allow the State to reevaluate if in the future the parcels are needed for transportation purposes.

The proposed easement will allow the city to adequately maintain the roadway infrastructure, including the roadway surface, drainage ditches and culverts, which was originally constructed encroaching into the Corridor.

The Department has reviewed the request and determined that the easement will not interfere with use of the active railroad line.

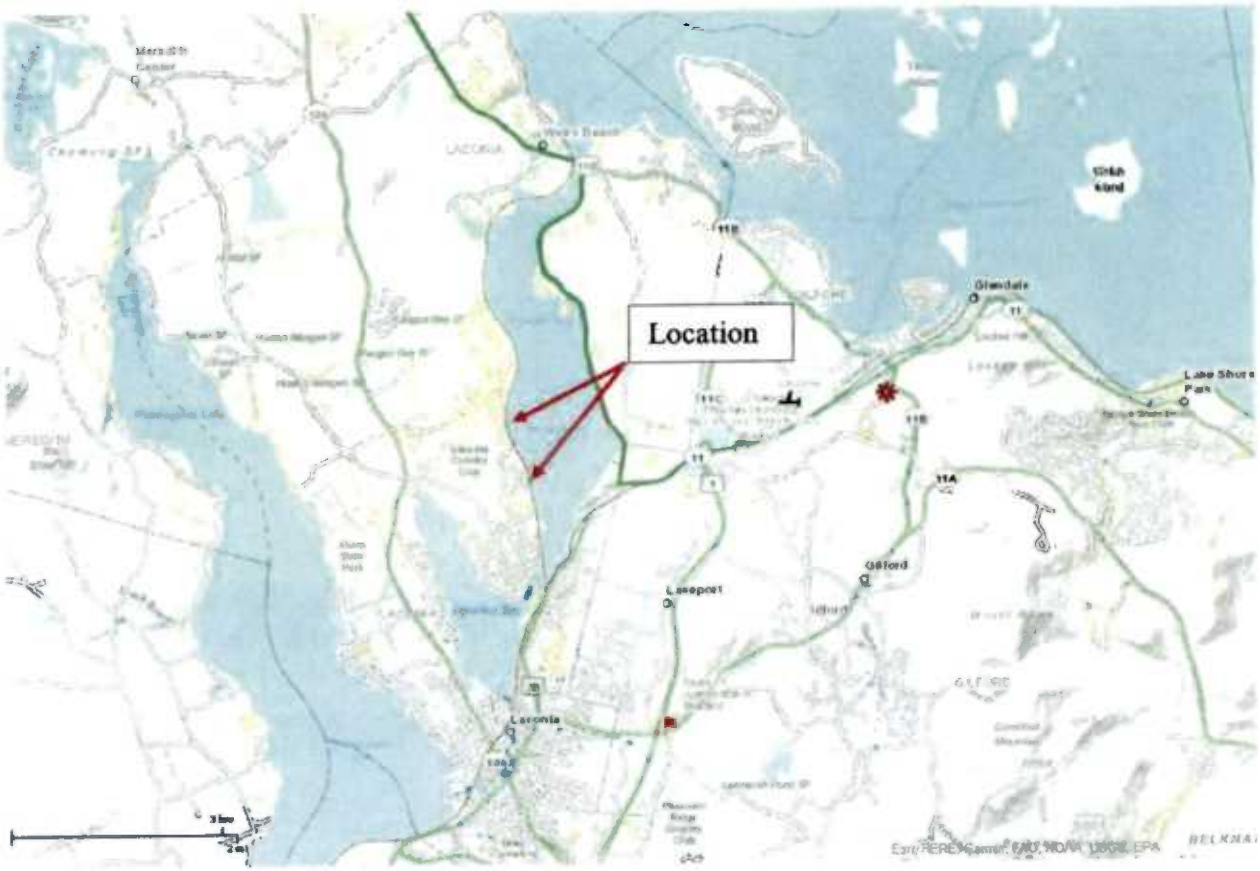
The Council on Resources and Development approved granting this easement, 21 SLR 003 (Laconia) at its July 8, 2021 meeting.

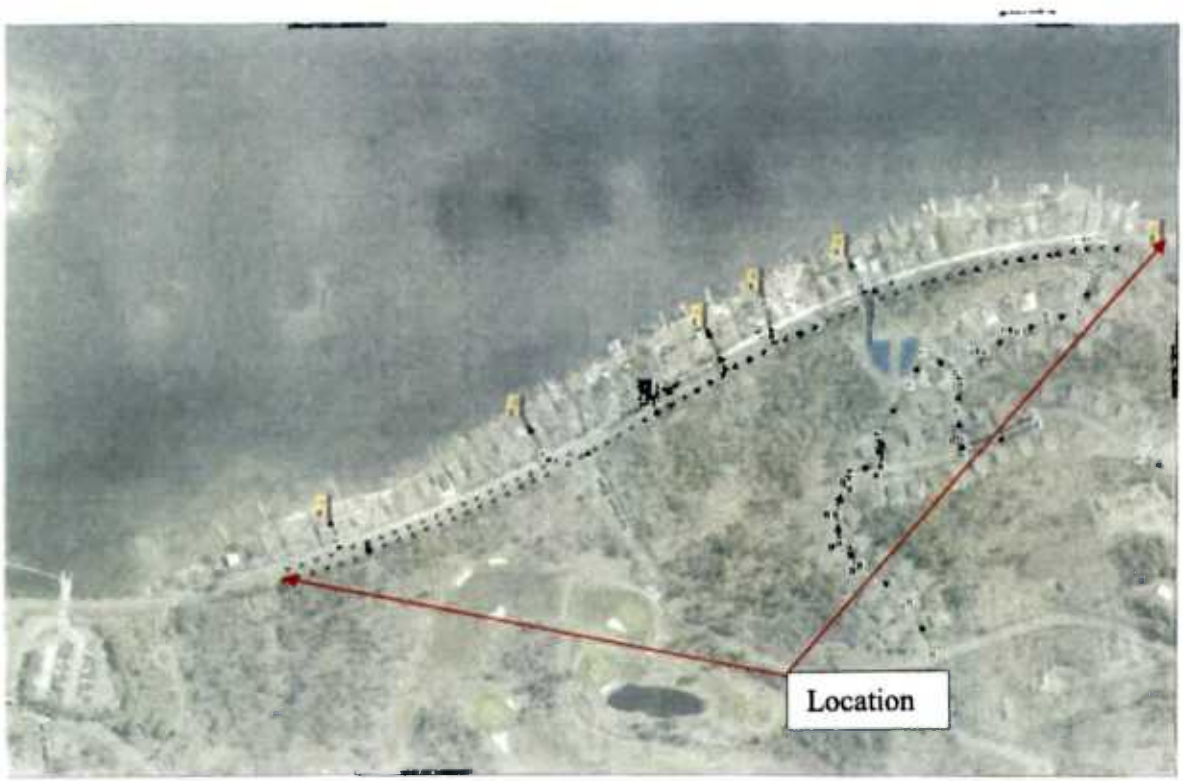
Authorization is requested to grant an easement on the Corridor to the City of Laconia, as outlined above.

Attachments

Locus Map, dated 3-4-2024
Aerial Proposed Easement - North Section, dated 1/23/2024
Aerial Proposed Easement – South Section, dated 1/23/2024
Valuation Section 21 Map 66 Sheet 1 of 2, dated 3-4-2024
Valuation Section 21 Map 67 Sheet 2 of 2, dated 3-4-2024
Excerpt Appraisal Report Easement Value State-owned Concord-Lincoln Railroad Corridor, Laconia NH, dated 9-18-2022
Worksheet, City of Laconia DPW Expenditures at Paugus Park Road, dated 7/20/2023
Request for Project Review Template
Laconia, Letter of concurrence, dated 4/29/2024

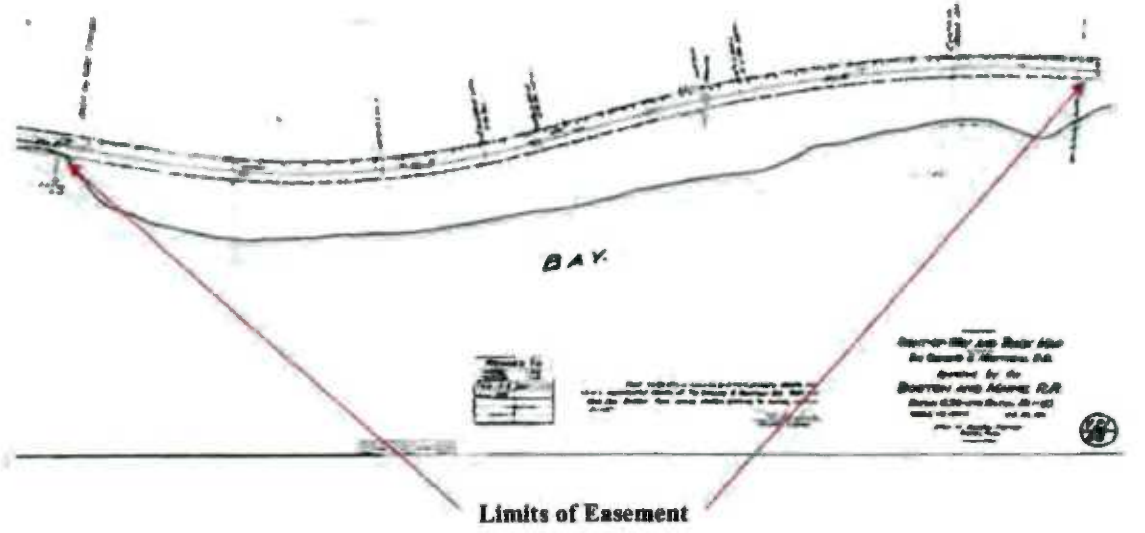
Locus Map





Aerial – Paugus Park Road, Laconia

Date March 4, 2024



1) Valuation Map (Section 21, Sheet 66). Paugus Bay, Laconia
Paugus Park Road not shown. Parallel to and bordering State-owned Railroad Corridor.
Railroad corridor 66' wide. Baseline offset 28' to east (lake side) and 38' to the west.

Areas broken down per the below stations and calculations:

South end station = MP C30.00, Sta 1579+17
Van Buren Road = MP C30.39, Sta 1599+93
15 ft easement between these 2 stations = 2,076 ft x 15 ft = 31,140 sf.

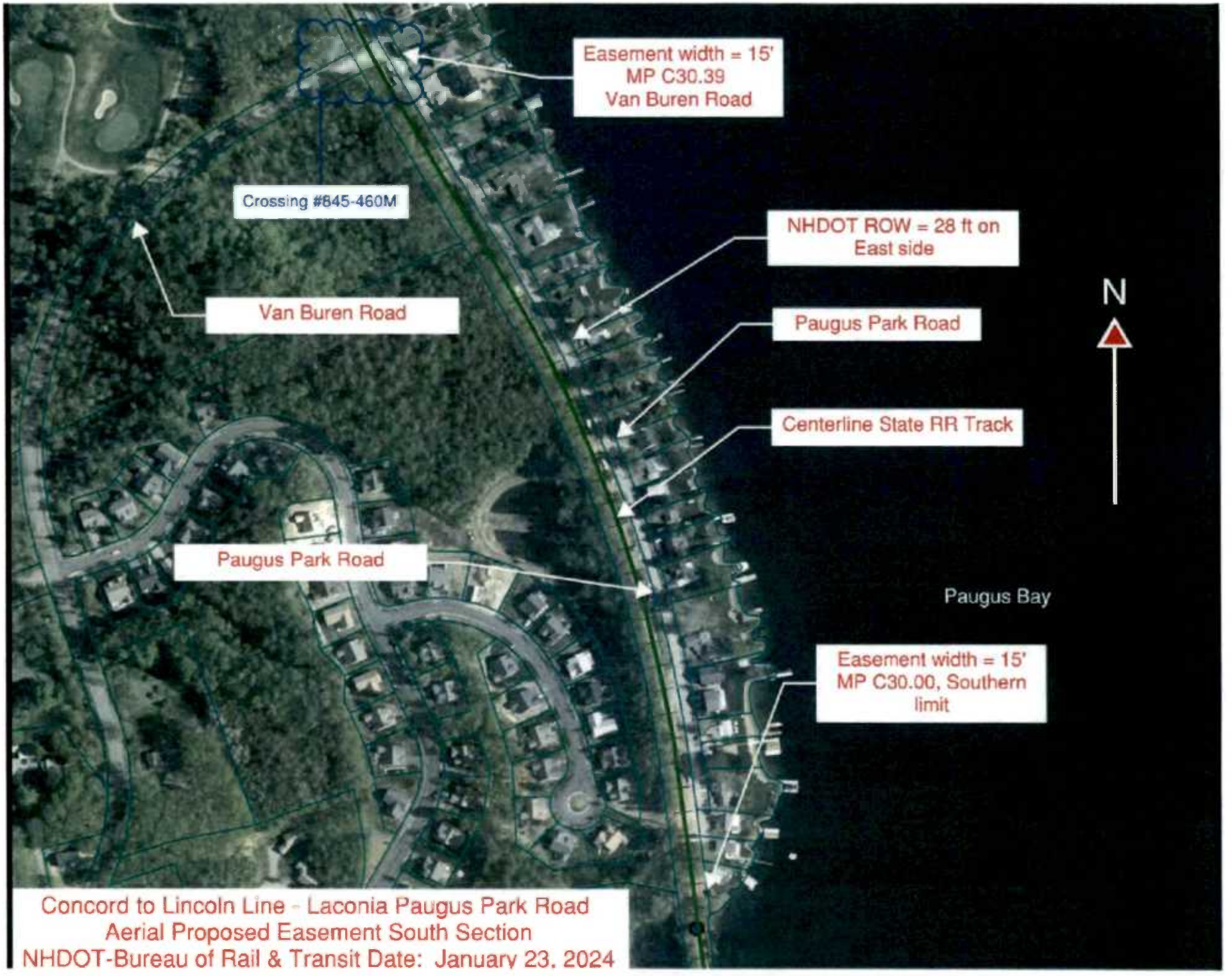
Van Buren Road = MP C30.39, Sta 1599+93
29 Paugus Park Road = MP C30.59, Sta 1610+32
15 ft to 18 ft varied easement between these 2 stations = 1,039 ft x 16.5 ft = 17,143.5 sf

29 Paugus Park Road = MP C30.59, Sta 1610+32
North end station MP C30.64, 1612+96
13 ft easement between these 2 stations = 264 ft x 13 ft = 3,432 sf.

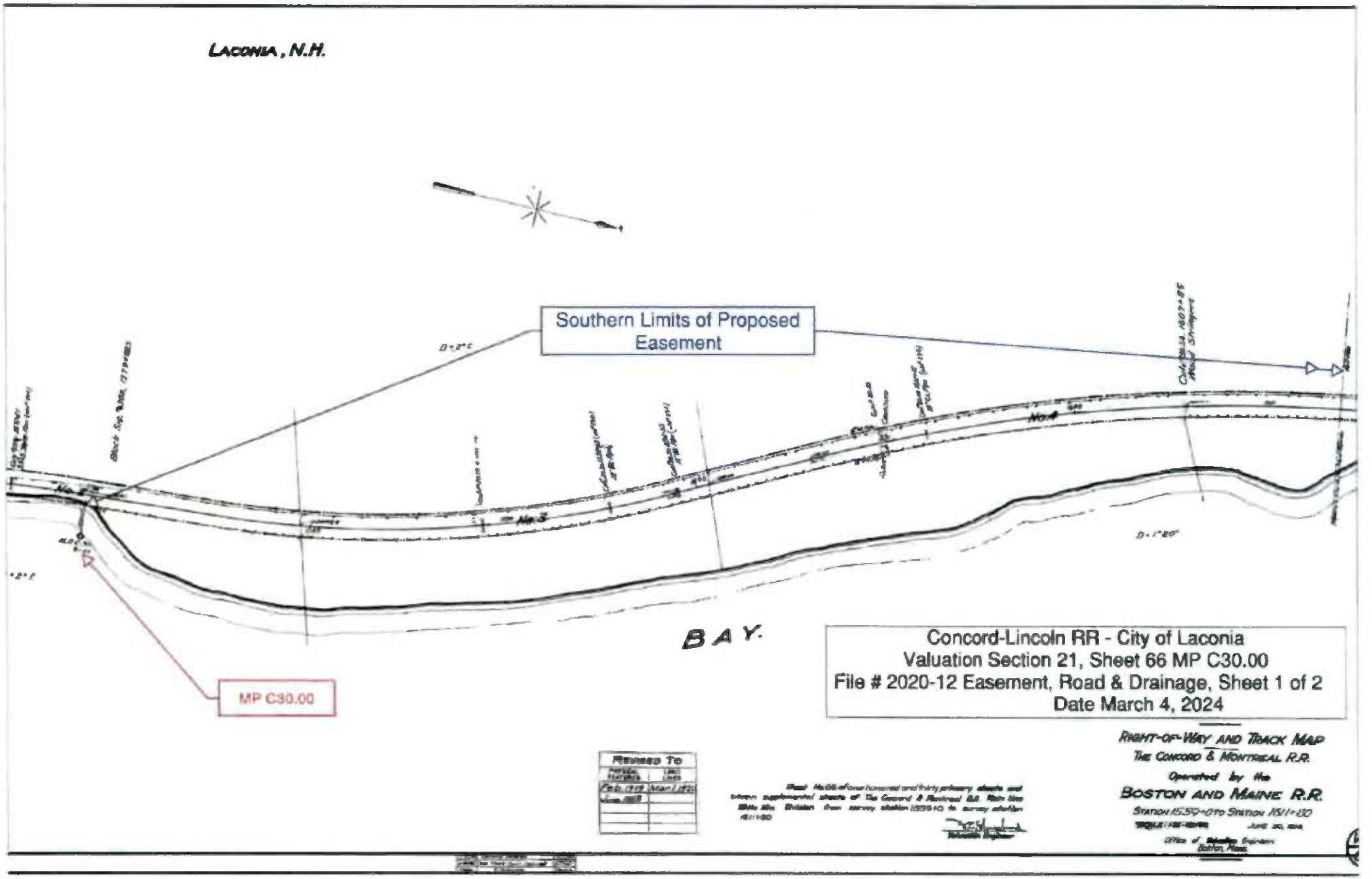
Overall length of the Easement = 3,379 ft

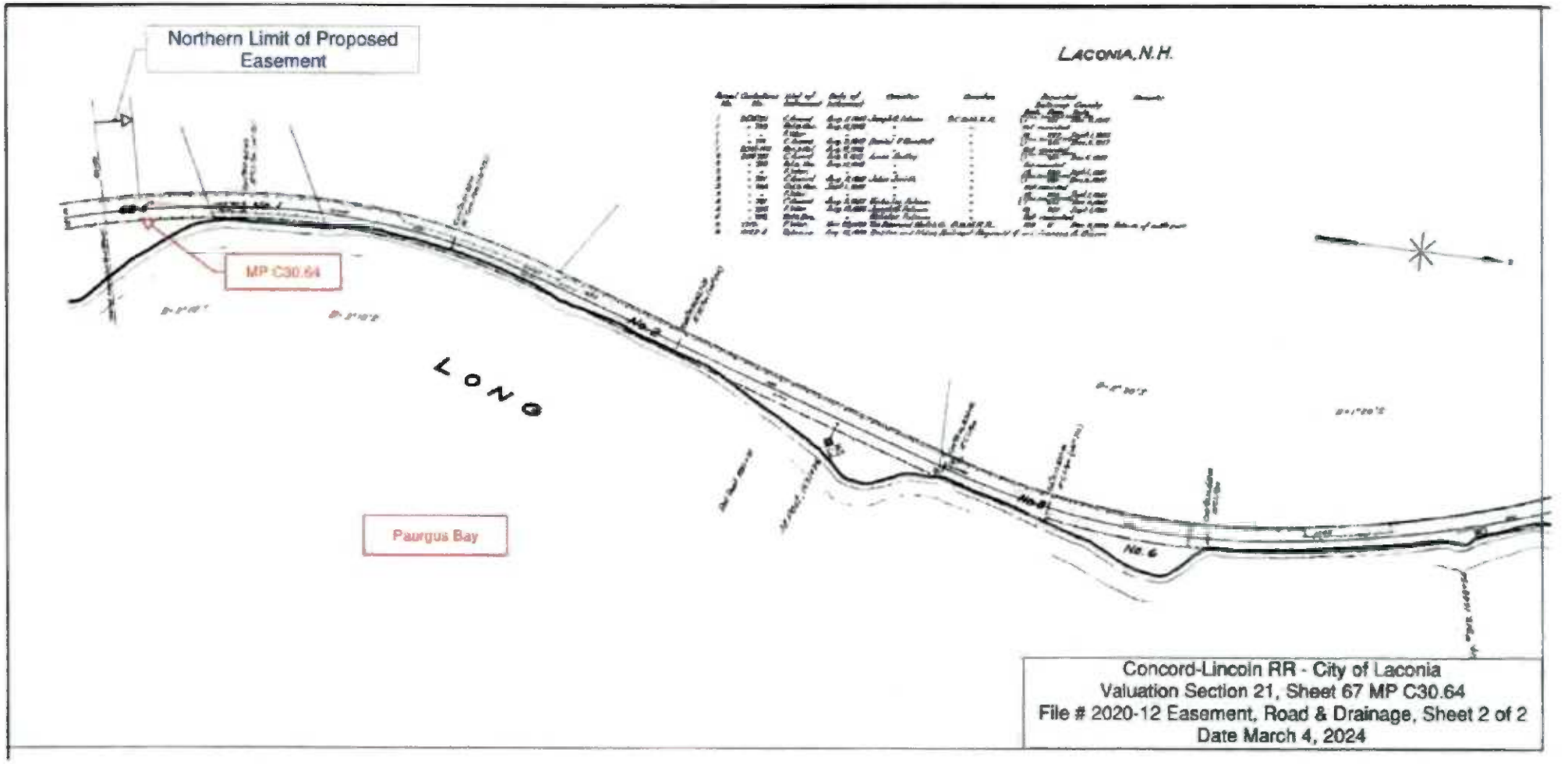
Overall area = 51,716 sf, = 1.19 Acres

Concord to Lincoln Line - Laconia Paugus Park Road
Aerial Proposed Easement - North Section
NHDOT-Bureau of Rail & Transit Date: January 23, 2024



Concord to Lincoln Line - Laconia Paugus Park Road
Aerial Proposed Easement South Section
NHDOT-Bureau of Rail & Transit Date: January 23, 2024


LACONIA, N.H.
Southern Limits of Proposed Easement
MP C30.00
BAY.
Concord-Lincoln RR - City of Laconia
Valuation Section 21, Sheet 66 MP C30.00
File # 2020-12 Easement, Road & Drainage, Sheet 1 of 2
Date March 4, 2024
RIGHT-OF-WAY AND TRACK MAP
THE CONCORD & MONTREAL R.R.
Operated by the
BOSTON AND MAINE R.R.
REVISED TO

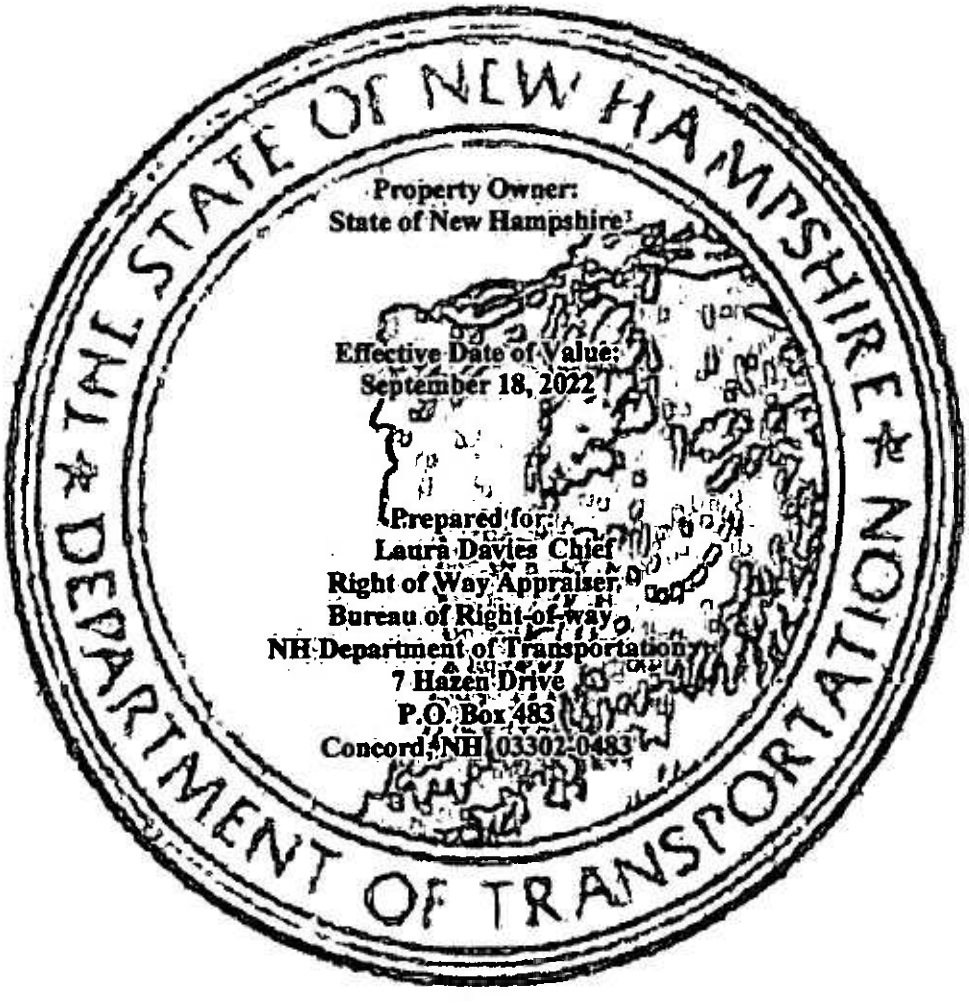


Concord-Lincoln RR - City of Laconia
Valuation Section 21, Sheet 67 MP C30.64
File # 2020-12 Easement, Road & Drainage, Sheet 2 of 2
Date March 4, 2024

Appraisal Report

of

52,492± Sq. Ft. of Railroad Corridor, Street Easement Value
State-owned Concord-Lincoln Railroad Corridor,
Laconia, NH



Property Owner:
State of New Hampshire

Effective Date of Value:
September 18, 2022

Prepared for:
Laura Davies Chief
Right of Way Appraiser,
Bureau of Right-of-way
NH Department of Transportation
7 Hazen Drive
P.O. Box 483
Concord, NH 03302-0483

Prepared by:
Harry C. Hadaway, NHCG - 176
NH Department of Transportation
7 Hazen Drive
PO Box 483
Concord, NH 03302-0483

FROM:	Harry Hadaway, NHCG #176 Staff Appraiser	DATE:	November 23, 2022
TO:	Ms. Laura Davies Chief Right-Of-Way Appraiser	AT:	NHDOT - Bureau of Right-of-Way, Concord Office
SUBJECT:	52,492± Sq. Ft. of Railroad Corridor, Easement Valuation, State-Owned Concord-Laconia Railroad Corridor, Laconia, NH		

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 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 develop an opinion of the easement[1] value for the proposed street easement area. The purpose of the analysis is to develop a value opinion of the street easement value in the proposed subject easement area.

Subject

The subject is a section of the Concord-Lincoln Railroad Corridor owned in fee by the State of New Hampshire. The corridor traverses in the north/south direction. The portion of the corridor that will be partially encumbered is 66 feet wide and 3,443± feet long width and area of 5.22± acres. The corridor is currently used by the Winnipesaukee Scenic Railroad. The train operates May through October with three destinations Meredith, Weirs Beach & Lakeport. The railroad tracks are located on the west side of the corridor and the proposed easement area on the eastern edge. The proposed easement will not impact the use of the rail corridor for continued rail use. Vegetation between the railroad bed and Paugus Park Road consists of a mixture of grass, bushes, and trees. In many places the railroad bed is elevated higher than the road. Some of this area is currently used by residential properties for parking.

Proposed Street Easement

The State of New Hampshire has agreed to grant a street easement to the City of Laconia, NH over a portion of this corridor. The corridor traverses in the north/south direction. The easement will encumber the easterly portion of the entire length of the corridor section. The

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[1] Easement. The Dictionary of Real Estate Appraisal 4th Edition defines Easement - "An interest in real property that conveys use, but not ownership, of a portion of an owner's property. Access or right of way easement may be acquired by private parties or public utilities."

corridor averages about 165 feet in distance from the west shore of Paugus Bay. The width of the easement varies from 13 to 18 feet with a total length of 3,443± feet with a total area or 52,942± sq. ft. (1.22± acres). Within the easement area is a city maintained paved street known as Paugus Park Road. Approximately half the street is within the easement area and the other half is a narrow strip of land owned by the city. The easement area includes the westerly half of the paved portion of the street plus the ditch line. Within the street are municipal water and sewer lines. The street facilitates access to approximately 55 single family homes that front on the westerly shore of Paugus Bay and the easterly side of Paugus Bay Road.

Conditions of the easement are as follows:

- An encroaching structure (garden shed) erected by a property owner across Paugus Park Road that sits on the subject parcel will be removed by the City of Laconia.
- The parcel has historic designations and language that shall be included in the proposed easement formalizing that work will be undertaken only in location of previously disturbed soils. In addition, in the event of proposed new drainage facilities, the grantee will be required to work with the State Division of Historical Resources to address phase 1A/1B archeological surveys.
- There are no current impacts resulting from the City use of Paugus Park Road Railroad operations are not impacted by the existing conditions; and none are anticipated as a result of consummating the proposed easement.
- The Applicant currently maintains a road and drainage that abuts and is within the railroad corridor.
- The Bureau will be proposing reversionary language if railroad operations require the area; this will allow the State to reevaluate if the parcel is needed for transportation purposes at that time.

The attached report summarizes the basis of the value conclusions and provides definitions to specific terms. **Based on the data collected and analyzed, in my opinion the street easement value of the subject property as of November 18, 2022, is: $5,400**

Limits of Easement

3) Valuation Map (Section 21, Sheet 66). Paugus Bay, Laconia
Paugus Park Road not shown. Parallel to and bordering State-owned Railroad Corridor.
Railroad corridor 66' wide. Baseline offset 28' to east (lake side) and 38' to the west.

Van Buren Street Crossing at Station 1600+00

Estimated North leg of proposed easement:

235' x 13'	=	3,055 square feet
1178' X (15+18)/2	=	19,437 square feet
		22,492 square feet +/-

Estimated South leg of proposed easement:

2030' X 15'	=	30,450 square feet

Total = 52,942 square feet +/-

Laconia, NH
Contact
Easement
Location

Subject Photographs Taken by H. Hadaway November 18, 2022

RR Corridor Facing Northerly from Intersection of Paugus Park Road & Van Buren Road

RR Corridor Facing Southerly from Intersection of Paugus Park Road & Van Buren Road

General Assumptions

For this report I have assumed:

- All maps, plans, and photographs I used are reliable and correct.
- The legal interpretations and decisions of others are correct and valid.
- The parcel areas and right-of-way information given to me have been properly calculated and related.
- Broker and assessor information are reliable and correct.
- The abstracts of title and other legal information available are accurate.
- Information from all sources is reliable and correct unless otherwise stated.
- There are no hidden or unapparent conditions on the property or in the subsoil, including hazardous waste or ground water contamination, which would render the property more or less valuable.

Hypothetical Condition

This appraisal is based on the **Extraordinary Assumption that the site, including subsurface, is free and clear of any contamination.** The extraordinary assumption used may have affected the results of this appraisal

General Limiting Conditions

This report is bound by the following limiting conditions:

- I have relied upon the legal interpretations of others and have assumed their decisions are correct and valid. I have also relied upon the abstracts of title and other legal information available and take no responsibility for their correctness.
- Sketches in this report are included to assist the reader in visualizing the property. I have not performed a survey of the property or any of the sales, and do not assume responsibility in these matters.
- There are no hidden or unapparent conditions on the properties, in the subsoil (including hazardous waste or ground water contamination), or within any of the structures which would render the properties more or less valuable. I assume no responsibility for any of these conditions or the engineering which may be required to discover or correct them. I

have appraised the subject as if clean and free of contamination. If any contamination is found on the subject, this report becomes null and void.

- Possession of this report (or a copy) does not carry with it the right of publication. This report may not be used for any purpose other than by the party to whom it is addressed without the written consent of the State of New Hampshire and in any event only with the proper written qualification and only in its entirety. Neither all nor any part of the contents (or copy) shall be conveyed to the public through advertising, public relations, news, sales, or any other media without written consent and approval of the State of New Hampshire.
- Acceptance and / or use of this report constitutes acceptance of the foregoing underlying limiting conditions and underlying assumptions.

Purpose of Appraisal

The purpose of the appraisal is to estimate the street easement value of a portion of state-owned property, as of the effective date of the appraisal, by employing an Appraisal Report in conformity with the New Hampshire Department of Transportation Right-of-Way Manual, Uniform Appraisal Standards for Federal Land Acquisitions (UASFLA) (a/k/a Yellow Book), and Uniform Standards of Professional Appraisal Practice (USPAP).

Date of Inspection
November 18, 2022

Effective Date of Value
November 18, 2022

Date of Report
November 23, 2022

Intended User

The reader should clearly understand that this report is intended to be for the exclusive use of the New Hampshire Department of Transportation and members of the Long-Range Capital Planning and Utilization Committee.

Scope of Work

The scope of work identifies the type and extent of research and analyses in an assignment. My investigations and research included an on-site inspection and photographing of the subject property by Harry Hadaway on November 18, 2022. I examined Town and County property records including assessment data and taxes, zoning regulations, the availability of public utilities, and access. I researched the type and intensity of neighboring uses and reviewed information from the files of the New Hampshire Department of Transportation,

for the subject property.

I formed an opinion of the highest and best use of the subject site, based on its legal, physical, and neighborhood land use characteristics, then determining the financially feasible and maximally productive uses for the property. I conducted a search for comparable sales for the subject property, verified and analyzed the data selected for use in the sales comparison approach of the property and prepared this appraisal report in compliance with USPAP 2-2(a) to convey my findings, the market data, and the analyses.

Property data was collected and compiled from several sources Belknap County Registry of Deeds, New England Real Estate Network (MLS), and local real estate professionals.

The subject state owned land is exempt from real estate taxation.

AREA/NEIGHBORHOOD DESCRIPTION

The subject property is in the central portion of the City of Laconia approximately 3 miles north of the city's central business district. The neighborhood consists of single-family homes fronting on Paugus Park Road and Paugus Bay of Lake Winnipesaukee. Lake Winnipesaukee is the largest lake in the State of New Hampshire having an area of 71 square miles. Homes in the neighborhood are typically consists of small lake front lots that range in size from .20 to .50 acres. Recent sales range from $1,500,000 to $1,875,000. The neighborhood is serviced by municipal water and sewer. The neighborhood to the west consists of a 164-acre Laconia Country Club and a 36-lot planned unit development of single-family homes. Access to the neighborhood is via Van Buren Road that is about .75 miles long leading the compact residential area of the city.

Neighborhood Map

Highest and Best Use

The subject is in the Residential Single-Family District. This zone allows single-family residential uses. The width of the corridor would not meet the City's dimensional requirements for residential use. The subject land is part of an active railroad corridor. The easterly edge of the corridor is being used as a city maintained paved street known as Paugus Bay Road. Because of the rail corridor's narrow width and current use for railroad transportation its current use as a rail corridor is considered its highest and best use.

Valuation

The three traditional approaches to value are the Income Approach, Sales Comparison Approach, and Cost Approach.

"The cost approach is a real estate valuation method that estimates the price a buyer should pay for a piece of property is equal the cost to build an equivalent building. In the cost approach, the property's value is equal to the cost of land, plus total costs of construction, less depreciation. It yields the most accurate market value for when a property is new than through alternative methods." (Liberto, 2020). Since the subject will be unimproved this approach to value is not applicable.

"The income approach, sometimes referred to as the income capitalization approach, is a type of real estate appraisal method that allows investors to estimate the value of a property based on the income the property generates. It's used by taking the net operating income (NOI) of the rent collected and dividing it by the capitalization rate." (Hargrave, 2020). Similar land in the market area is not typically leased; therefore, this approach is also not applicable.

In the sales comparison approach, recent sales of similar properties are used in a comparative analysis to establish the most probable value of the property being appraised.

The "Across-the Fence" approach is the most common approach for valuing rail corridors. The value of land utilized as a right-of-way assumes that its market value per acre or per square foot is equal to the value of the adjacent or adjoining land. Abutting the subject on the west is a 164± acre golf course, a 32-acre plan unit development and an 8-acre improved lot with a garage building. To the east of the corridor is a narrow strip of land, approximately 15 feet wide that is improved with half± of city maintained Paugus Bay Road. Abutting Paugus Bay Road are 55± waterfront lots improved with single family residences. Because the easterly half of the subject land consists of city owned narrow strip of land the subject corridor land will be valued by comparing it to acreage land like the abutting land to the west.

Land Value Analysis Sales Comparison Grid							
Item	Subject Property	Comparable Sale L-1		Comparable Sale L-2		Comparable Sale L-3	
Address	[illegible] Lamoth	[illegible] Lamoth		[illegible] Lamoth		[illegible] Lamoth	
Grantor		[illegible]		[illegible]		[illegible]	
Grantee		[illegible]		[illegible]		[illegible]	
Recorded Book/Page		[illegible]		[illegible]		[illegible]	
Data Source	[illegible]	[illegible]		[illegible]		[illegible]	
Sales Price	[illegible]		[illegible]		[illegible]		[illegible]
Sale Price Per Acre			[illegible]		[illegible]		[illegible]
		Description	Adjustment	Description	Adjustment	Description	Adjustment
Financing		Cash to Seller		Cash to Seller		Cash to Seller	
Adjusted Sale Price Per Acre			[illegible]		[illegible]		[illegible]
Date of Sale & Market Conditions Adj.	11/[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
Adjusted Sale Per Acre			[illegible]		[illegible]		[illegible]
Sale Concessions		None		None		None	
Location	Good	Good		Good		Good	
Zoning	[illegible]	[illegible]		[illegible] Residential Single Family		[illegible]	
Site Area Acres		[illegible]		[illegible]		[illegible]	
Topography	Level to gently sloping	Gently sloping		Gently sloping		Gently sloping	
Road Frontage		[illegible]		[illegible]		[illegible]	
Current Use		Yes	-10%	Yes	-10%	Yes	-10%
Utilities	All Municipal	Well & Septic Needed	10%	Well & Septic Needed	10%	All Municipal	
Net Adj. (Total)			[illegible]		[illegible]		[illegible]
Adj. Price Per Acres			[illegible]		[illegible]		[illegible]
Indicated Value Rounded			[illegible]		[illegible]		[illegible]
			Low $10,600		High $12,000		Mean $11,200

Reconciliation

Sales indicated a range of value for the subject from $10,600 to $12,000 per acre. Sale L-3 is given the most weight since it had the same utilities available as the subject. Sales L-1 and L-2 are strongly supportive of the value indicated by Sale L-3. Based on the foregoing the subject's market value is estimated at $11,000 per acre as of November 18, 2022.

The following is an easement valuation matrix commonly used to estimate the percentage of fee value lost because of the easement:

EASEMENT VALUATION MATRIX

Percentage of Fee	Comments	Potential Types of Easements
90% - 100%	Severe impact on surface use Conveyance of future uses	Overhead electric Flowage easements Railroad ROW Irrigation canals Access roads
75% - 89%	Major impact on surface use Conveyance of future uses	Pipelines Drainage easements Flowage easements
51% - 74%	Some impact on surface use Conveyance of ingress/egress rights	Pipelines Scenic easements
50%	Balanced use by both owner and easement holder	Water or sewer lines Cable line Telecommunications
26% - 49%	Location along a property line, location across non usable land area	Water or sewer line Cable lines
11% - 25%	Subsurface or air rights that have minimal effect on use and utility Location with a setback	Air rights Water or sewer line
0% to 10%	Nominal effect on use and utility	Small subsurface easement

Based on the matrix an easement for an access road would be the highest percentage of fee loss 90-100%; however, proposed reversionary clause[2] in the easement would significantly reduce this percentage. The loss in value is estimated to be like "location along a property line, location across non useable land area" or 40% of fee value.

Proposed easement area 1.22 Acres x $11,000 x .40 = $5,368 Rounded $5,400.

Estimated reduction in value for the proposed easement = $5,400

[2] The Bureau will be proposing reversionary language if railroad operations require the area; this will allow the State to reevaluate if the parcel is needed for transportation purposes at that time

City of Laconia - Department of Public Works 7/20/2023

Project: Paugus Park Road Maintenance

Mitigation and prevention of weather event runoff. Clearing of trees and brush, reestablishment of drainage Paugus Park Road parallel and within state-owned railroad property.

Tree removal

	#	Hours per day	Days	cost/hour with benefits	Costs
Foreman	1	4	3	$ 40.00	$ 480.00
6 crewmemebrs	6	6	3	$ 32.00	$ 3,456.00
Bucket truck	1	6	3	$ 48.90	$ 880.20
Chipper	1	6	3	$ 17.30	$ 311.40
F-150	1	4	3	$ 12.39	$ 148.68
3 Dump trucks	3	6	3	$ 72.05	$ 3,890.70
					$ 9,166.98

Ditch work

Foreman	1	2	4	$ 40.00	$ 320.00
4 crewmemebrs	4	6	4	$ 32.00	$ 3,072.00
suveyor	1	6	4	$ 32.00	$ 768.00
3 Dump trucks	3	6	4	$ 72.05	$ 5,187.60
backhoe	1	6	4	$ 33.36	$ 800.64
F-150 foreman	1	2	4	$ 12.39	$ 99.12
f-1650 surveor	1	6	4	$ 12.39	$ 297.36
					$ 10,544.72
Total					$ 19,711.70

Payroll and equipment logs available upon request.

Concord, NH 03302

RECEIVED MAY 1 0 2022

Sent Date ___/___/___

Request for Project Review by the New Hampshire Division of Historical Resources for Transportation Projects

13829
5/10/22
5/17/22

☒ This is a new submittal.
☐ This is additional information relating to DHR Review and Compliance (R&C)#:

GENERAL PROJECT INFORMATION

DOT Project Name & Number Paugus Park Road and Drainage Easement (2020-12)

RECEIVED
BUREAU OF ENVIRONMENT
MAY 2 0 2022
NH DEPARTMENT OF TRANSPORTATION

Brief Descriptive Project Title City roadside drainage

Project Location Paugus Park Road

City/Town Laconia

Lead Federal Agency and Contact *(if applicable)* N/A
(Agency providing funds, licenses, or permits)

Permit Type and Permit or Job Reference #

DOT Environmental Manager *(if applicable)*

PROJECT SPONSOR INFORMATION

Project Sponsor Name NHDOT - Bureau of Rail & Transit

Mailing Address PO Box 483 Phone Number 603-271-2425

City Concord State NH Zip 03302 Email Louis.A.Barker@dot.nh.gov

CONTACT PERSON TO RECEIVE RESPONSE

Name/Company Louis Barker

Mailing Address PO Box 483 Phone Number 603-271-2425

City Concord State NH Zip 03302 Email Louis.A.Barker@dot.nh.gov

This form is updated periodically. Please download the current form at http://www.nh.gov/nhdhr/review. ***Please refer to the Request for Project Review for Transportation Projects Instructions for direction on completing this form.*** Submit 2 copies of this project review form for each project for which review is requested. Include 1 self-addressed stamped envelope to expedite review response. Project submissions will not be accepted via facsimile or e-mail. This form is required. Review request form must be complete for review to begin. Incomplete forms will be sent back to the applicant without comment. Please be aware that this form may only initiate consultation. For some projects, additional information will be needed to complete the Section 106 review. All items and supporting documentation submitted with a review request, including photographs and publications, will be retained by the DOT and the DHR as part of its review records. Items to be kept confidential should be clearly identified. For questions regarding the DHR review process and the DHR's role in it, please visit our website at: http://www.nh.gov/nhdhr/review or contact the R&C Specialist at marika.a.labash@dncr.nh.gov or 603.271.3558.

Project Boundaries and Description

- [x] Attach the Project Mapping ***indicating the proposed area of potential effects (APE).*** *(See RPR for Transport*
- [x] Attach a detailed narrative description of the proposed project.
- [ ] Attach current engineering plans with tax parcel, landscape, and building references, and areas of proposed excav
- [ ] Attach photos of the project area/APE with mapped photo key (overview of project location and area adjacent to pr
- [ ] A DHR records search must be conducted to identify properties within or adjacent to the APE. Provide records sea EMMIT or in-house records search conducted on / / .*

**The DHR recommends that all survey/National Register nomination forms and their Determination of Eligibility*

Architecture

Are there any buildings, structures (bridges, walls, culverts, etc.) objects, districts or landscapes within the APE?
If no, skip to Archaeology section. If yes, submit all of the following information:

- [ ] Attach completed **Table 2**.
- [ ] Photographs of ***each*** resource or streetscape located within the APE. Add to the mapped photo key and photo log
- [ ] Copies of National Register boundary (listed *or* eligible) mapping, and add National Register boundaries for listed

Archaeology

Does the proposed undertaking involve ground-disturbing activity? [x] Yes [ ] No
If yes, submit all of the following information:

- [x] Description of current and previous land use and disturbances.
- [ ] Available information concerning known or suspected archaeological resources within the project area (such as cel

Please note that for many projects an a

AGENCY COMMENT ***This Space for DOT and Division of Historical Resources Use Only***

Sent to DHR; Authorized DOT Signature: Sheila Chavis **Date:** 5/9/2022

- [ ] **Insufficient information to initiate review.**
- [ ] **Additional information is needed in order to complete review.**

Comments: No above-ground concerns as long as any drainage activities do not negatively impact the NR-eligible railroad to benefit the roadway.

Contact with DOT Bureau of Environmental Resources and that phase IA or Phase IB survey be completed prior to any ground-disturbing activities.

If plans change or resources are discovered in the course of this project, you must contact the Division of Historical Resourc

Authorized DHR Signature: David Vick **Date:** 5-11-22

Laconia
CITY ON THE LAKES

April 23, 2024

Bureau of Rail and Transit
NH Department of Transportation
Attn: Louis A. Barker
7 Hazen Drive
PO Box 483
Concord NH 03302-0483

Re: Proposed easement in State owned Concord-Lincoln Railroad Corridor along Paugus Park Road

Dear Mr. Barker,

The City of Laconia has reviewed the proposed terms in your March 29, 2024 letter for the easement in the NH DOT railroad corridor along Paugus Park Road, a City Street. The City concurs that the net value of the easement is zero dollars. The City is also prepared to pay the remaining $600 of the $1,100 administrative fee.

The easement is necessary to maintain the City street which is partially in the railroad right way, as well as the drainage system for both the road and the railroad corridor between the street and the railroad tracks. The drainage system is in the railroad right of way.

The City agrees to work with the NHDOT, the Plymouth and Lincoln Railroad and the NH Department of Natural Resources and Cultural Resources to develop a protocol for work in the right of way.

Any questions should be directed to Wesley B. Anderson, Laconia's Director of Public Works. His telephone number is 603-528-6379.

Sincerely

Kirk Beattie
City Manager

45 BEACON ST. EAST, LACONIA • NEW HAMPSHIRE 03246-3472

Project Boundaries and Description

- ☒ Attach the Project Mapping ***indicating the proposed area of potential effects (APE).*** *(See RPR for Transpc*
- ☒ Attach a detailed narrative description of the proposed project.
- ☐ Attach current engineering plans with tax parcel, landscape, and building references, and areas of proposed exc
- ☐ Attach photos of the project area/APE with mapped photo key (overview of project location and area adjacent to
- ☐ A DHR records search must be conducted to identify properties within or adjacent to the APE. Provide records s EMMIT or in-house records search conducted on / / .*

**The DHR recommends that all survey/National Register nomination forms and their Determination of Eligibil*

Architecture

Are there any buildings, structures (bridges, walls, culverts, etc.) objects, districts or landscapes within the APE?
If no, skip to Archaeology section. If yes, submit all of the following information:

- ☐ Attach completed **Table 2**.
- ☐ Photographs of ***each*** resource or streetscape located within the APE. Add to the mapped photo key and photo lc
- ☐ Copies of National Register boundary (listed *or* eligible) mapping, and add National Register boundaries for list

Archaeology

Does the proposed undertaking involve ground-disturbing activity? ☒ Yes ☐ No
If yes, submit all of the following information:

- ☒ Description of current and previous land use and disturbances.
- ☐ Available information concerning known or suspected archaeological resources within the project area (such as

Please note that for many projects a

AGENCY COMMENT *This Space for DOT and Division of Historical Resources Use Only*

Sent to DHR; Authorized DOT Signature:_____ Date: _____

☐ Insufficient information to initiate review.

☐ Additional information is needed in order to complete review.

Comments:_____

If plans change or resources are discovered in the course of this project, you must contact the Division of Historical Resou

Authorized DHR Signature: _____ Date: _____

New Hampshire DOT
Department of Transportation

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

March 29, 2024

City of Laconia, Department of Public Works
Wesley Anderson, Director
45 Beacon Street
Laconia, NH 03246

RE: State-owned Concord-Lincoln Railroad Corridor, Laconia, NH
Proposed Easement, City of Laconia

Dear Mr. Anderson,

The Department of Transportation has completed its appraisal of the parcel of the railroad property utilized for the city-owned Paugus Park Road on State of New Hampshire-owned railroad corridor in Laconia, excerpt attached. The Department is prepared to submit a request for authority to grant an easement over this parcel with a value of $5,400 that the Department will propose to waive and a one-time administrative fee of $1,100. Please note that the $500 received with your request will be applied to the $1,100.00 administrative fee.

Per previous discussions, the Bureau of Rail & Transit (Department) and the Laconia Department of Public Works reached a conclusion that the net value for the (long-term) easement is zero dollars ($0). This is based on recent City of Laconia expenditures of nineteen thousand, seven hundred, eleven dollars and seventy cents ($19,711.70), as shown in table attached, in maintaining the common drainage facilities and anticipated City expenditures for future maintenance and potential improvements of drainage facilities between the tracks, the Paugus Park Road and under said road within the easement area.

An easement document will be prepared with the inclusion of protocols for coordination with users of the railroad corridor (currently the Plymouth & Lincoln Railroad and Department of Natural Resources & Cultural Resources) in the event of city maintenance work within the Easement area. Language will also be developed and included in the easement document that in the event of a significant project any city contractor intending to work within the easement area will need to enter into a Temporary Use Agreement with the State of New Hampshire.

Upon receipt of written concurrence of the above, I will include this information when the Department submits a request for the proposed easement to the State of New Hampshire legislative committee that must approve the transaction amount. Upon receipt of the meeting committee's schedule, I will inform you of the date and time of the Hearing to furnish an

opportunity for the city to testify. Upon receipt of Legislative Committee approval, I will prepare a resolution for submission to Governor and Executive Council. I will furnish a draft easement for your consideration at that time.

If you have any questions or wish to discuss this matter, feel free to contact me at (603) 271-2425.

Sincerely,

Louis A. Barker
Railroad Planner

Attachment