



*Victoria F. Sheehan
Commissioner*

**THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION**



*William Cass, P.E.
Assistant Commissioner*

17 Beards

Her Excellency, Governor Margaret Wood Hassan
and the Honorable Council
State House
Concord, NH 03301

Bureau of Rail & Transit
April 18, 2016

REQUESTED ACTION

Pursuant to RSA 4:29, authorize the Department of Transportation to accept the gift of a parcel of land in Canterbury from the Concord Regional Solid Waste/Resource Recovery Cooperative (The Co-op) for railroad use, effective upon Governor and Council approval.

EXPLANATION

The Department was contacted by The Co-op regarding interest in property consisting of two parcels of land adjacent to the State-owned Concord-Lincoln Railroad corridor in the Town of Canterbury. The property is landlocked by State-owned Limited Access Right-of-Way to the north, east, and south and by the State-owned Concord-Lincoln Railroad Corridor on the west. Being landlocked, the parcel provided minimal residual value to The Co-op and was offered to the State at no cost.

RSA 4:29 allows the Governor, with the advice and consent of the Executive Council, to acquire real estate within the State, on behalf of the State, either by purchase or otherwise, as hereinafter provided, which the Governor deems necessary for any military purpose, for public parks, public buildings, or for any other public improvement purposes and to accept deeds thereof in the name of the State. The Department proposes that ownership of this property would be a public improvement purpose and facilitate additional freight railroad opportunities on the State-owned Concord-Lincoln Railroad corridor.

This property had previously been part of the railroad corridor, but was sold prior to the State's acquisition of the Concord-Lincoln Railroad corridor. Prior to discontinuance of Boyce Road by the Town of Canterbury and the construction of I-93 by the Department, when this property was still part of the railroad corridor, it was the site of a small railroad station with a siding and loading area. The Department contends that State ownership of this property is advantageous and could easily allow for short term storage of railroad materials and, with its proximity to I-93 Exit 17 and its relative isolation from residential development, could present a potential location for a future freight transload facility.

Your approval of this resolution is respectfully requested.

Sincerely,

Victoria F. Sheehan
Commissioner

CRSW/RRC
"The Cooperative"

Concord Regional Solid Waste /Resource Recovery Cooperative 347-B Village St., Penacook, NH 03303
Phone: 603/753-9265 Fax: 603/753-8534 email: crswrrc@aol.com

February 19, 2015

Mr. Lou Barker, Railroad Planner
Bureau of Rail and Transit
PO Box 483
7 Hazen Drive
Concord, NH 03302-0483

RE: Transfer of lots to DOT
Canterbury, NH

Dear Mr. Barker:

The purpose of this letter is to confirm our conversations and meeting that the Concord Regional Solid Waste/Resource Recovery Cooperative (The Co-op) wishes to convey, at no cost, ownership of two small lots (less than an acre each) to the NH Department of Transportation. These lots abut the rail ROW in the Town of Canterbury, NH. Drawings have been provided.

As stated above, The Co-op will transfer these lots to DOT at no cost. DOT will be responsible for all costs of conveying to DOT and recording at the Registry of Deeds.

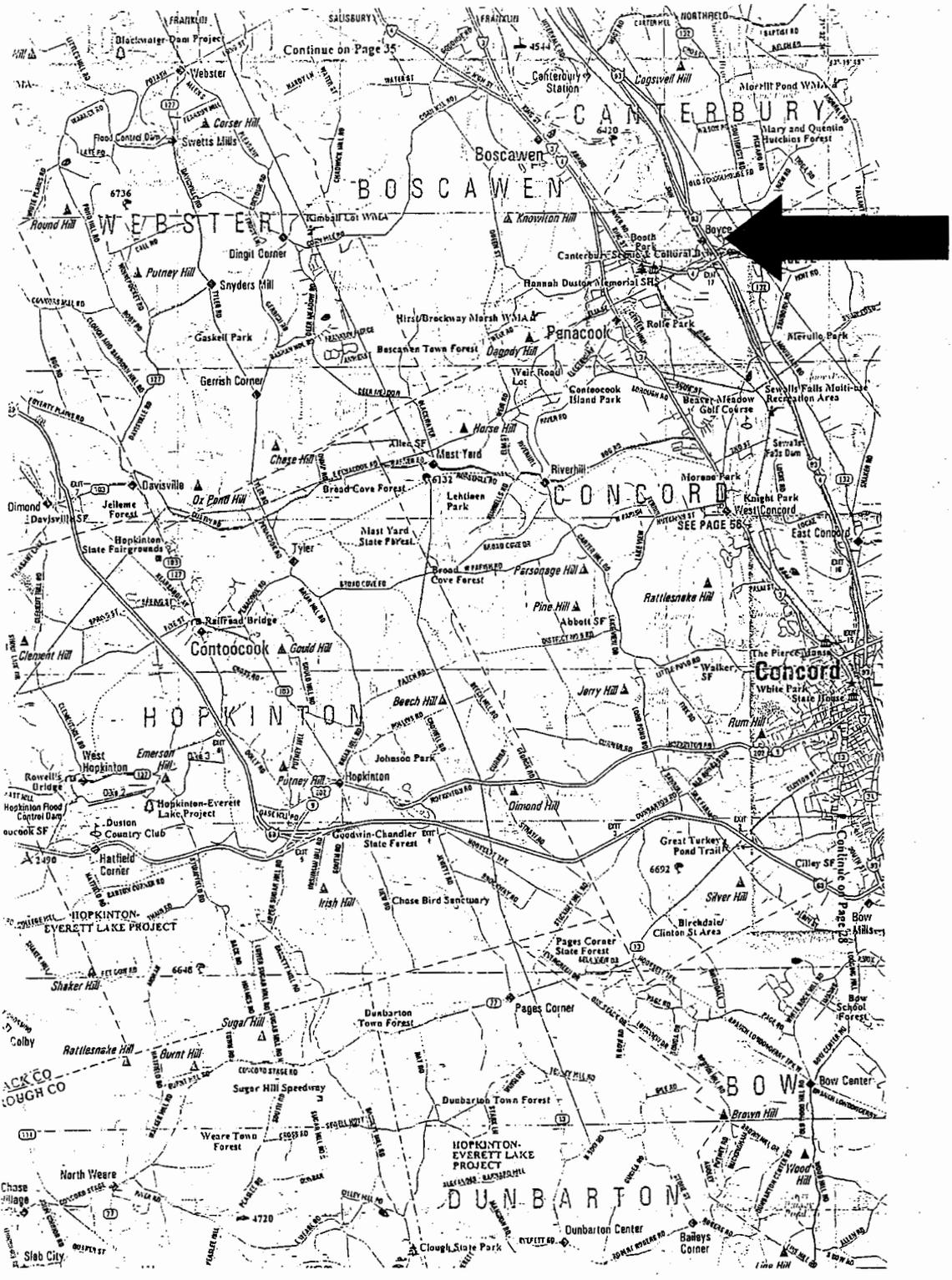
The Co-op Joint Board took action at their 2015 Annual Meeting to confirm the transfer of ownership of these lots to DOT.

Please contact me if you have any questions.

Sincerely,



James R. Presher, Director
CRSW/RRC
PO Box 157
Franklin, NH 03235
934-5037



Parcel Acquisition – Canterbury
 Locus Map
 Exit 17, I-93
 (US Rte. 4 West to Boyce Road)

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, THAT, Concord Regional Solid Waste/Resource Recovery Cooperative, whose mailing address is 347 B Village Street, Penacook, New Hampshire, 03303, for consideration, grant to the State of New Hampshire, whose mailing address is Department of Transportation, Hazen Drive, P.O. Box 483, Concord, NH 03302-0483, pursuant to a vote of the Governor and Executive Council on [insert date], (Item #) and in accordance with the provisions of New Hampshire RSA 228:56 and RSA 4:29, with WARRANTY covenants:

Any and all interest the Concord Regional Solid Waste/Resource Recovery Cooperative has in certain tracts of land in the Town of Canterbury, County of Merrimack, State of New Hampshire, bounded and described as follows:

TRACT 1

A certain parcel of land off Riverland Road located in Canterbury, Merrimack County, New Hampshire, more particularly described as follows:

Beginning at a point being the southwest corner of the parcel herein described on the easterly side of an existing railroad right of way owned by the State of New Hampshire and on line of other land owned by the State of New Hampshire being the existing Interstate 93 corridor. Said point being located on a bearing of N 62° 27' 12" E a distance of 0.96 feet from a 6"X6"X0.4' high concrete bound labeled "NHHB" and also being located 37.12 feet on a perpendicular offset from the centerline of the existing railroad tracks.

Thence N 28° 45' 17" W a distance of 486.54 feet along land of the railroad right of way and parallel to the existing railroad tracks to a point where the existing railroad right of way intersects with the southerly sideline of a portion of Boyce or Penacook Road, so called, as discontinued by the Town of Canterbury on March 8, 1960.

Thence continuing N 28° 45' 17" W a distance of 30.71 feet along land of the railroad right of way and parallel to the existing railroad tracks to a point where the existing railroad right of way intersects with the center of Boyce Road as discontinued.

Thence N 24° 56' 13" E a distance of 122.85 feet along the center of Boyce Road as discontinued to a point where said road intersects with the Interstate 93 corridor.

Thence S 28° 45' 17" E a distance of 30.71 feet along the westerly line of Interstate 93 corridor to a point where the line intersects with the southerly sideline of a portion of Boyce Road as discontinued.

Thence S 28° 45' 17" E a distance of 561.38 feet along the westerly line of the Interstate 93 corridor to a point at the southeast corner of the parcel herein described. Said point being located S62 ° 27' 12" W a distance of 0.77 feet from a 1"x 1.1' high steel rebar found.

Thence S° 27' 12" W a distance of 99.02 feet to the point of beginning.

Said herein described parcel contains approximately 54,902 square feet or 1.260 acres and is shown as Tax Map 21, Lot 018 on the plan entitled, "Land In Canterbury, N.H., Boston and Maine Corporation to Concord Regional Solid Waste/ Resource Recovery Cooperative, Scale: 1'=50',

October 4, 1999, Revised 11-1-99, recorded in the Merrimack County Registry of Deeds as Plan No. 14994. Said plan was prepared by Paul M. Darbyshire Associates, Land Surveyors, Gilmanton, NH and is tied to the NH State Plane Coordinate System; therefore the basis of all bearings is Grid North.

Meaning and intending to describe and convey the same parcel as was conveyed to the Boston, Concord & Montreal Railroad by deeds of Zebulon Smith and Jason R.C. Hoyt, said deeds being recorded in the Merrimack County Registry of Deeds at Book 159, Page 33, dated August 21, 1852 and Book 227, Page 441 dated October 19, 1868, respectively, as well as the right and title to that portion of Boyce Road as described by virtue of a discontinuance by the Town of Canterbury dated March 8, 1960.

TRACT 2

Beginning at a point on the westerly side of land owned by the State of New Hampshire being the existing Interstate 93 corridor and on the northerly sideline of a portion of Boyce or Penacook Road, so called, as discontinued by the Town of Canterbury on March 8, 1960. Said point being located on a bearing of S 24° 56' 13" W a distance of 0.70 feet from a 6" x 6" x 0.6' high concrete bound labeled "NHHB".

Thence S 28° 45' 17" E a distance of 30.71 feet along the westerly line of the Interstate 93 corridor to a point where the corridor intersects with the center of Boyce Road as discontinued.

Thence S 24° 56' 13" W a distance of 122.85 feet along the center of Boyce Road as discontinued to a point on the easterly sideline of an existing railroad right of way owned by the State of New Hampshire. Said point being located 37.12 feet on a perpendicular offset from the centerline of the existing railroad tracks.

Thence N 28° 45' 17" W a distance of 30.71 feet along land of the railroad right of way and parallel to the existing railroad tracks to a point on the northerly sideline of a portion of Boyce Road as discontinued.

Thence continuing N 28° 45' 17" W a distance of 476.37 feet parallel to the existing railroad tracks along land of the railroad right of way to the Interstate 93 corridor at the northwest corner of the parcel herein described.

Thence N 61° 14' 43" E a distance of 99.00 feet along the Interstate 93 corridor to a point at the northeast corner of the parcel herein described.

Thence S 28° 45' 17" E a distance of 403.63 feet along the Interstate 93 corridor to the point of beginning.

Said herein described parcel contains approximately 46,600 square feet or 1.070 acres and is shown as Tax Map 21, Lot 019 on a plan entitled, "Land in Canterbury, N.H., Boston and Maine Corporation to Concord Regional Solid Waste/Resource Recovery Cooperative, Scale: 1"=50', October 4, 1999, Revised 11-1-99", recorded in the Merrimack County Registry of Deeds as Plan No. 14994. Said plan was prepared by Paul M. Darbyshire Associates, Land Surveyors, Gilmanton, NH and is tied to the NH State Plane Coordinate System; therefore the basis of all bearings is Grid North.

Meaning and intending to describe and convey the same parcel as was conveyed to the Boston, Concord & Montreal Railroad by deed of John T. Gilam dated August 21, 1852 and recorded in the Merrimack County Registry of Deeds at Book 133, page 109, as well as the right

and title to that portion of Boyce Road as described by virtue of a discontinuance by the Town of Canterbury dated March 8, 1960.

Containing in all 101,502 (54,902 + 46,600) square feet, more or less.

Excepting and Reserving, any easements that may cross said property that may be of record, and whether shown on the above-mentioned plan or not.

Meaning and intending to convey a portion of that railroad corridor conveyed by the Boston & Maine Corporation to the Concord Regional Solid Waste/Resource Recovery Cooperative by Release Deed, and recorded in the Merrimack County Registry of Deeds on December 30, 1999, in Book 2189, Pages 1506-1515.

TO HAVE AND TO HOLD said premises, with all the privileges and appurtenances thereunto belonging to State of New Hampshire, its successors and assigns forever.

IN WITNESS WHEREOF, The Concord Regional Solid Waste/Resource Recovery Cooperative has caused its name to be set and its seal to be hereunto affixed by the _____ of the Concord Regional Solid Waste/Resource Recovery Cooperative, duly authorized and executed this ____ day of _____, 20 ____.

Signed, Sealed and Delivered
in the presence of

Concord Regional Solid Waste/Resource
Recovery Cooperative

name _____
(title)

THE STATE OF NEW HAMPSHIRE
COUNTY OF MERRIMACK

On this ____ day of _____, 20 ____, before me, _____ the undersigned officer, personally appeared the _____ of the Concord Regional Solid Waste/Resource Recovery Cooperative, and that as such Commissioner, being authorized so to do, executed the forgoing instrument for the purposes therein contained, by signing the name of the State of New Hampshire as the _____ of the Concord Regional Solid Waste/Resource Recovery Cooperative.

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

NOTARY PUBLIC