



THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION

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JEFF BRILLHART, P.E.
ACTING COMMISSIONER

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

Bureau of Right-of-Way
February 13, 2015

REQUESTED ACTION

PURSUANT to RSA 228:31 and RSA 4:39C(IV), AUTHORIZE the Department of Transportation to transfer a 0.6 +/- of an acre parcel of State owned land located along US Route 3, and also release two obsolete drainage easements located in the Town of Hooksett to MRAC LLC, in order to complete a Right-of-Way Agreement, as part of the Hooksett 12537A project, effective upon Governor and Executive Council approval. This is a no cost transaction.

EXPLANATION

As part of the above-mentioned project, the Department of Transportation agreed to convey a 0.6 +/- of an acre parcel of State owned land to MRAC LLC in exchange for land granted to the State, as part of negotiations.

This is a parcel upon which MRAC LLC has been granted an Encroachment Agreement by the State for several years. This parcel is outside of the project's new Right-of-Way Line.

The drainage easements were made obsolete by the project's new drainage configuration.

This conveyance will be at no cost to the State.

Authorization is respectfully requested to transfer this parcel of State owned land, as outlined above.

Respectfully,



David J. Brillhart
Acting Commissioner

DJB/DRL/dd
Attachments



THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION



GEORGE N. CAMPBELL, JR.
COMMISSIONER

JEFF BRILLHART, P.E.
ASSISTANT COMMISSIONER

Mr. Michael Sydney
Merchants Leasing
P.O. Box 16415
Hooksett, New Hampshire 03106

June 20, 2011

Re: Agreement in Lieu of Condemnation; Drainage Construction Project, Hooksett, NH Project #12537B

Dear Mr. Sydney:

As you know the New Hampshire Department of Transportation (the "Department") has worked on two alternatives in regards to the Hooksett, US 3/NH 28 project. Initially an alternative was developed that constructed a 5 lane section of roadway for US 3/NH 28 from Benton Road to Martin's Ferry Road, and included construction of a box culvert southerly of the restaurant on the Merchants Plaza property and southerly of the buildings on the MRAC property (Alternative 1). Subsequently, an alternative was investigated that kept essentially the same roadway construction aspect, but included construction of a box culvert northerly of the Autozone on the Merchant's Plaza property and between the buildings on the MRAC property and Benton Road (Alternative 2). Both Alternatives include two projects: a Drainage Construction Project (the "Drainage Project") and a Roadway Construction Project (the "Roadway Project").

This letter confirms that the Department is proceeding with the **Drainage Construction project for Alternative 2, Hooksett, NH Project #12537B** which requires the acquisition by the Department of certain permanent and temporary interests in real estate ("Property Rights") owned by Merchants Plaza Associates, MRAC, LLC, Merchants Realty Associates, and Joyland Associates (collectively "Merchants"). The Property Rights are shown on Revised ROW Purchase Plans, Revision #3, date 5-25-2011 (the "Plans").

This letter confirms that the Department and Merchants have reached agreement on the following with respect to the Drainage Project:

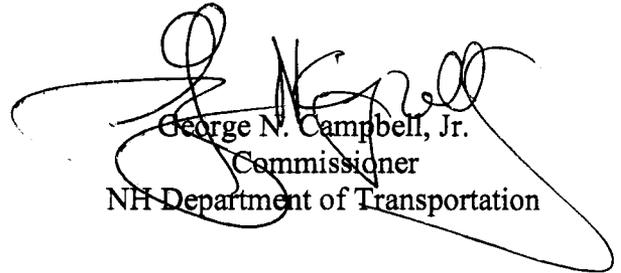
1. The Department confirms that it will not pursue, and has abandoned plans for, Alternative 1, provided there are no further claims, objections, delays or other hindrances by Merchants against the Drainage Project.

2. Merchants agrees that, in exchange for the Department's agreement not to pursue Alternative 1, it will withdraw/release its pending appeal of the wetlands permit issued by the New Hampshire Department of Environmental Services (NHDES) to the Department for Alternative 1. Merchants further agrees to not appeal the wetlands permit issued by NHDES to the Department for Alternative 2.
3. Merchants will convey the Property Rights to the Department by conveyance in lieu of condemnation. In exchange, the Department will convey land shown as "encroachment area" on the Plans to MRAC, LLC by quitclaim deed as a land swap effective upon completion of the Roadway Project.
4. The Drainage Project will be implemented in accordance with the Plans and contract documents prepared by the Department.
5. The Department agrees to release in writing, effective upon completion of the Roadway Project, the existing drainage easement and rights it owns affecting real estate owned by Merchants Plaza Associates, said drainage easement shown on the Plans in the vicinity of station 130+20 ± right. The Department has no ownership of the drainage features remaining in this area outside the proposed highway right-of-way upon completion of the Roadway Project. Also affecting this property, the Department agrees to extinguish, effective upon completion of the Drainage Project, the portion of easement rights which fall within the area of property purchase between the existing right-of-way and the proposed right-of-way in the vicinity of station 130+20 ± right, these easement rights being a part of the easement shown in a deed dated March 29, 1973 from El Rivardo Motel, Inc. to Hooksett Property Group.

The Department agrees to release in writing, effective upon completion of the Roadway Project, the existing drainage easement and rights it owns affecting real estate owned by MRAC, LLC, said drainage easement shown on the Plans in the vicinity of station 130+05 ± left. The Department has no ownership of the drainage features remaining in this area outside the proposed highway right-of-way upon completion of the Roadway Project.

6. The parties agree to cooperate with each other in implementing the foregoing.

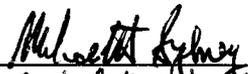
Sincerely yours,



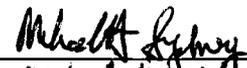
George N. Campbell, Jr.
Commissioner
NH Department of Transportation

ACCEPTED AND AGREED:

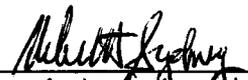
MERCHANTS PLAZA ASSOCIATES


By: Michael H. Stoney
Its: MANAGER

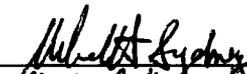
MRAC, LLC


By: Michael H. Stoney
Its: MANAGER

MERCHANTS REALTY ASSOCIATES


By: Michael H. Stoney
Its: MANAGER

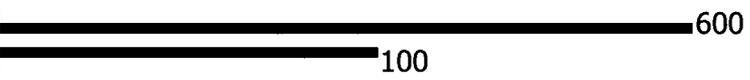
JOYLAND ASSOCIATES


By: Michael H. Stoney
Its: MANAGER



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To see all the details that are visible on the screen, use the "Print" link next to the map.

